



**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Schreiber v Valizadeh, 2023 ONLTB 26090

Date: 2023-03-15

File Number: LTB-L-034476-22

In the matter of: Room 2, 416 MARGUERETTA ST
TORONTO ON M6H3S5

Between: Adriana Di Stefano Landlords
Benjamin Schreiber

And

Sajjad Valizadeh Tenant

Adriana Di Stefano and Benjamin Schreiber (the 'Landlords') applied for an order to terminate the tenancy and evict Sajjad Valizadeh (the 'Tenant') because:

- the Landlords in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on March 8, 2023.

Only the Landlords, and the Landlord's Legal Representative, Petar Guzina, attended the hearing.

As of 10:09 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlords in good faith require possession of the rental unit for the purpose of residential occupation for themselves for a period of at least one-year. I say this for the reasons that follow.

- 2. The Landlords' application is based on a notice of termination issued pursuant to s.48 of the *Residential Tenancies Act, 2006* (the 'Act') alleging the Landlords wish to live in the rental unit. The notice is dated June 14, 2022 and sets out a date for termination of the tenancy of August 19, 2022.
- 3. The Tenant was in possession of the rental unit on the date the application was filed.

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- 4. The Landlords received a message last week that the Tenant was vacating but they were out of town and could not confirm the unit was vacant until this morning; the Landlords are therefore seeking a termination date of March 8, 2023..
- 5. The monthly rent is \$846.71. The application was amended to reflect this amount.
- 6. The rent is due on the 20th of the month.
- 7. The Landlords are holding a last month rent deposit, but this deposit is accounted for in the arrears order LTB-L-044513-22 dated March 7, 2023.
- 8. The Landlords compensated the Tenant an amount equal to one month's rent pursuant to section 55 of *Residential Tenancies Act, 2006* (the 'Act') by the termination date in the notice; the compensation was paid on August 1, 2022.
- 9. The Landlords have not served any previous N12 notices in the last 2 years.

It is ordered that:

- 1. The tenancy between the Landlords and the Tenant is terminated March 8, 2023, the date the Landlords confirmed they had vacant possession of the rental unit.

March 15, 2023 _____ **Date Issued**
 Diane Wade

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor,
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

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