



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

Citation: Matos v Yacks, 2023 ONLTB 19333

Date: 2023-02-09

File Number: LTB-L-024779-22

In the matter of: 44 LARKWOOD ST
WALLACEBURG ON N8A4T5

Between: Joe Matos Landlord

And

Wayne Yacks Tenant

Joe Matos (the 'Landlord') applied for an order to terminate the tenancy and evict Wayne Yacks (the 'Tenant') because:

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

This application was heard by videoconference on January 24, 2023.

Only the Landlord and the Landlord's son, Ryan Matos, attended the hearing.

As of 10:30am 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. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy shall be terminated February 24, 2023.
2. On April 24, 2022, the Landlord gave the Tenant an N12 notice of termination, deemed served on April 24, 2022, with the termination date of June 30, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by the Landlord's son.
3. The Landlord in good faith requires possession of the rental unit for the purpose of their child's residential occupation for a period of at least one year.

4. The Landlord has compensated the Tenant an amount equal to one month's rent by June 30, 2022.
5. There is no last month's rent deposit.
6. It was uncontested testimony by the Landlord's Son that he is seeking to move himself and his family into the rental unit and reside there for a duration much longer than a year. The

File Number: LTB-L-024779-22

Landlord's Son testified that one of the reasons that he wants to move himself and his family into the rental unit is because it is located in a safer neighbourhood than the one that he currently resides.

7. Based on the uncontested evidence before the Board, I find that the Landlord's Son genuinely intends to move into the rental unit and use it for residential purposes. I also find that the Landlord has met all the requirements under the Act with respect to the N12 served pursuant to s.48(1).
8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before February 24, 2023.
2. If the unit is not vacated on or before February 24, 2023, then starting February 25, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after February 25, 2023.

February 9, 2023

Date Issued

Robert Brown

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on August 25, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

File Number: LTB-L-024779-22