



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

**Citation:** Hashemi v Shahed a.k.a hasib, 2023 ONLTB 18137

**Date:** 2023-02-08

**File Number:** LTB-L-027327-22

**In the matter of:** Basement (unit B), 61 Fergus Ave Richmond Hill ON L4E3C2

**Between:** Mehran Hashemi Landlord

**And**

Hadi Yasin shaed a.k.a., Hasib Tenant

Mehran Hashemi (the 'Landlord') applied for an order to terminate the tenancy and evict Hadi Yasin Shahed a.k.a Hasib (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.

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 January 24, 2023.

Only the Landlord's Legal Representative Alireza Hesami, and the Landlord attended the hearing.

As of 9:51 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. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, an order for eviction shall be issued.
2. On May 8, 2022, the Landlord gave the Tenant an N12 notice of termination with the termination date of July 31, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation for their own use.

3. It was uncontested that the Landlord requires the rental unit
4. It was uncontested that the Landlord in good faith requires possession of the rental unit for the purpose of their own residential occupation for a period of at least one year.

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5. The Landlord has compensated the Tenant an amount equal to one month's rent by July 31, 2022.
6. Based on the Monthly rent, the daily compensation is \$36.16. This amount is calculated as follows: \$1,100.00 x 12, divided by 365 days.
7. The Landlord collected a rent deposit of \$1,100.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenant for the period from February 20, 2019 to present
8. In accordance with subsection 106(10) of the *Residential Tenancies Act, 2006*, (the 'Act') the last month's rent deposit shall be applied to the rent for the last month of the tenancy.
9. 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 19, 2023.
2. If the unit is not vacated on or before February 19, 2023, then starting February 20, 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 20, 2023.
4. The Tenant shall also pay the Landlord compensation of \$36.16 per day for the use of the unit starting January 25, 2023 until the date the Tenant moves out of the unit.

**February 8, 2023**

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**Date Issued**

Robert Patchett  
Vice Chair, 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 20, 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.