



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

Citation: Patel v Douglas, 2023 ONLTB 18109

Date: 2023-02-06

File Number: LTB-L-026932-22

2023 ONLTB 18109 (CanLII)

In the matter of: 9 SONOMA WAY
ETOBICOKE ON M9V4Y6

Between: Jagdishbhai Patel Landlord

And

Dawn Brown Tenant
Diane Douglas
Everton Brown
Simone Douglas

Jagdishbhai Patel (the 'Landlord') applied for an order to terminate the tenancy and evict Dawn Brown, Diane Douglas, Everton Brown and Simone Douglas (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 Nicolina Camarda and the Landlord attended the hearing.

As of 10:25 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, eviction shall be ordered.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On February 26, 2022, the Landlord gave the Tenant an N12 notice of termination with the termination date of April 30, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by their child.
4. It was uncontested that 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.
5. The Landlord has compensated the Tenant an amount equal to one month's rent by April 30, 2022. The Landlord testified that the Tenant has not yet deposited the cheque. Therefore, the Landlord shall be directed to provide a replacement cheque to the Tenant as the original cheque may be stale-dated and can no longer be processed by the Tenant's financial institution.
6. Based on the Monthly rent, the daily compensation is \$70.68. This amount is calculated as follows: \$2,150.00 x 12, divided by 365 days.
7. The Landlord collected a rent deposit of \$2,000.00 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 November 21, 2015, 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 17, 2023.
2. If the unit is not vacated on or before February 17, 2023, then starting February 18, 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 18, 2023.
4. The Landlord shall provide a current dated replacement cheque to the Tenant on or before February 17, 2023, and shall file a certificate of service with the Board confirming this.
5. The Tenant shall also pay the Landlord compensation of \$70.68 per day for the use of the unit starting January 25, 2023, until the date the Tenant moves out of the unit.

2023 ONL TB 18109 (CanLII)

February 6, 2023

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 18, 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.