



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

Citation: Ali v Fadel, 2023 ONLTB 17349

Date: 2023-01-31

File Number: LTB-L-023844-22

In the matter of: 1, 106 KENT ST
LONDON ON N6A1L1

Between: Salwa Ali Landlord

And

Carem Fadel Tenant

Salwa Ali (the 'Landlord') applied for an order to terminate the tenancy and evict Carem Fadel (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 23, 2023.

Only the Landlord's legal representative, Timothy Mobberly, attended the hearing.

Determinations:

1. On April 26, 2022, the Landlord gave the Tenant an N12 notice of termination 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.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on September 30, 2022. This is the day the Tenant returned the keys and vacant possession of the rental unit to the Landlord.

4. The Tenant was required to pay the Landlord \$5,444.38 in daily compensation for use and occupation of the rental unit for the period from July 1, 2022 to January 23, 2023.
5. Based on the Monthly rent, the daily compensation is \$26.30. This amount is calculated as follows: \$800.00 x 12, divided by 365 days.
6. There is no last month's rent deposit.

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LANDLORD'S APPLICATION

7. At the hearing the Landlord's legal representative submitted that the Landlord was not pursuing the arrears owed by the Tenant to the Landlord based on the daily compensation.
8. The Landlord's legal representative submitted the Landlord was seeking an order from the Board with a termination date of the day the Tenant vacated the rental unit.
9. I have considered all of the evidence presented at the hearing and all of the oral testimony and although I may not have referred to each piece of evidence individually or referenced all of the testimony, I have considered it when making my determinations.
10. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of September 30, 2022.
2. There are no arrears or costs owed by the Tenant to the Landlord, with respect to this application, up to the day of this hearing.

January 31, 2023
Date Issued

Greg Brocanier
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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