



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

**Citation:** Wang v Divecha, 2023 ONLTB 15124

**Date:** 2023-01-17

**File Number:** LTB-L-021394-22

**In the matter of:** 469 JUDLEA CRT  
RICHMOND HILL ON L4C2X8

**Between:** Rong rong Wang Landlord

**And**

Shireen Divecha Tenant

Rong rong Wang (the 'Landlord') applied for an order to terminate the tenancy and evict Shireen Divecha (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 10, 2023.

The Landlord's Legal Representative Qiu ling Yang, the Landlord and the Tenant attended the hearing.

The Landlord provided their own mandarin interpreter, Sheena Lee-lo for the hearing.

**Determinations:**

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy based on the Landlord's own use for their parents to reside in the rental unit. Therefore an eviction order will be issued.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On February 15, 2022, the Landlord gave the Tenant an N12 notice of termination with the termination date of April 28, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by their parents.
4. It was uncontested that the Landlord in good faith requires possession of the rental unit for the purpose of their own parent's use and intend to maintain the residential occupation for a period of at least one year.

5. The Tenant submitted that she had received text messages from the Landlord that he intended to demolish the rental and construct a new building. However, she did not have any of those text messages to disclose to the Board. As a result, the Board did not give any weight to these submissions.
6. The Landlord has compensated the Tenant an amount equal to one month's rent by April 28, 2022
7. Based on the Monthly rent, the daily compensation is \$64.11. This amount is calculated as follows:  $\$1,950.00 \times 12$ , divided by 365 days.
8. The Landlord collected a rent deposit of \$1,950.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$65.16 is owing to the Tenant for the period from May 29, 2018 to January 28, 2023. The Landlord may deduct this amount from any arrears of rent owing as of the hearing date.
9. The Tenant submitted that she is not employed in her profession, and has a young child at home. She acknowledges that she has not paid the lawful rent since June 2022. She testified as to how difficult she has found it to try secure a new tenancy given her circumstances.
10. The Landlord's parent Ko-hsin wang testified that he and his spouse have been spending time alternating living with each of their children since they arrived in Canada.
11. It was uncontested that the Tenant is in arrears of rent, having not paid rent since June 2023. The Landlord submitted that given the non-payment of rent that delaying eviction would be prejudicial to the Landlord.
12. 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 January 28, 2023.
2. If the unit is not vacated on or before January 28, 2023, then starting January 29, 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 January 29, 2023.

**January 17, 2023**

**Date Issued**

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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 July 29, 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.