



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

Citation: Rezaie v Mcintee, 2023 ONLTB 15551

Date: 2023-01-16

File Number: LTB-L-010932-22

In the matter of: 1395 THORNWOOD CRES KINGSTON
ON K7P3B5

Between: Zahra (rose) Rezaie Landlord

And

Lilaynna Mcintee
Ralph Lord
Robert Miller
Spencer Miller Tenants
Stephane Lord

Zahra (rose) Rezaie (the 'Landlord') applied for an order to terminate the tenancy and evict Lilaynna Mcintee, Ralph Lord, Robert Miller, Spencer Miller and Stephane Lord (the 'Tenants') 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 September 8, 2022. Only the Landlord and their legal representative, D. Sabourin attended the hearing.

As of 10:07am, 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, their application is granted, and the tenancy shall terminate.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On February 9, 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 themselves.

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4. 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. The Landlord filed a declaration confirming same.
5. The Landlord testified that she would like to move into the rental unit because the property she was previously living in was sold and she had to vacate. As of the date of the hearing the Landlord submitted that she did not have a secure place to stay. She was currently staying with friends and family.
6. I accept the Landlords testimony and find that she has a genuine intention to occupy the rental unit for her own residential occupation.
7. The Landlord has compensated the Tenant an amount equal to one month's rent by April 30, 2022
8. On the date of the hearing the Landlord requested to withdraw their claim for compensation. This order reflects that change.
9. There is no last month's rent deposit.

RELIEF FROM EVICTION

10. As noted, the Tenant did not attend the hearing of this matter and thus I did not have the opportunity to hear their evidence regarding their circumstances. or to dispute the Landlord's application for an eviction order.
11. 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 27, 2023.

2. If the unit is not vacated on or before January 27, 2023, then starting January 28, 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 28, 2023.

January 16, 2023
Date Issued

Curtis Begg
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor,
Toronto ON M7A 2G6

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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 28, 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.