



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

Citation: BRYAN v ADEBISI, 2022 ONLTB 14365

Date: 2022-12-16

File Number: LTB-L-019570-22

In the matter of: 664 Old Weston Road
Toronto Ontario M6N3B3

Between: STEVE BRYAN Landlord

And

BENJAMIN ADEBISI Tenant

STEVE BRYAN (the 'Landlord') applied for an order to terminate the tenancy and evict BENJAMIN ADEBISI (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.

This application was heard by videoconference on November 1, 2022.

Only the Landlord's Legal Representative, C. Williams attended the hearing.

As of 9:34 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 in the application. Therefore, the tenancy is terminated as of January 4, 2023

N12 Notice of Termination

2. On October 21, 2021, the Landlord gave the Tenant an N12 notice of termination with the termination date of December 31, 2021. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by their child.
3. The Tenant was in possession of the rental unit on the date the application was filed.
4. The Landlord compensated the Tenant an amount equal to one month's rent by December 31, 2021 and has therefore complied with section 48.1 of the Act.

5. There is no last month's rent on deposit.

Good Faith

6. The N12 Notice was served pursuant to section 48 of Act which states, in part:

48 (1) A landlord may, by notice, terminate a tenancy if the landlord in good faith requires possession of the rental unit for the purpose of residential occupation for a period of at least one year by, [emphasis added]

- (a) the landlord
- (b) the landlord's spouse
- (c) a child or parent of the landlord or landlord's spouse

7. The Landlord's child, A. Bryan, testified that in good faith she intends to move into the unit for a period of at least one year. She testified that she currently lives in Pickering with her husband, and she is expecting her first child. She testified that the rental unit is closer to her place of employment, which is downtown Toronto. She testified that she rental unit is bigger to accommodate her growing family.
8. I find that the Landlord has proven that they in good faith require possession of the rental unit for the purpose of their child's residential occupation for a period of at least one year.
9. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
10. There is no last month's rent deposit.
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. The Tenant was not present at the hearing to provide evidence regarding his personal circumstances.

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 4, 2023.
2. If the unit is not vacated on or before January 4, 2023, then starting January 5, 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 5, 2023.
4. The Tenant shall pay to the Landlord \$201.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before January 4, 2023, the Tenant will start to owe interest. This will be simple interest calculated from January 5, 2023 at 5.00% annually on the balance outstanding.

December 16, 2022

Date Issued

Emily Robb

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on June 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.

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