



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

Citation: Bahnasawy v Squier, 2022 ONLTB 10975

Date: 2022-11-07

File Number: LTB-L-007562-22

In the matter of: Unit #3, 18 EWING ST
GEORGETOWN ON L7G2P7

Between: Mohamed Bahnasawy Landlord

And

Stephen Squier Tenant

Mohamed Bahnasawy (the 'Landlord') applied for an order to terminate the tenancy and evict Stephen Squier (the 'Tenant') because:

- the Landlord requires possession of the rental unit in order to demolish the unit.

This application was heard by videoconference on October 31, 2022.

Only the Landlord and his representative attended the hearing.

As of 10:05 am, 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.

Preliminary Issue:

1. On the date of the hearing, the Landlord said that the Tenant has been “silent” for months. The Tenant is in arrears of rent since November 2021, has not been seen at the residential complex but has not returned the keys and vacant possession of the rental unit to the Landlord. The Landlord says the rental unit contains possessions belonging to the Tenant. The Landlord is seeking termination of tenancy based on the Landlord’s L2 application for service of N13 notice of termination.

Determinations and Reasons:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy.
2. The Landlord is unclear of the start of the tenancy and said he assumed the Tenant when he purchased the residential complex.
3. The Tenant was in possession of the rental unit on the date the application was filed.

4. The rental unit is located in the basement of a triplex with separate entrance.
5. The lawful monthly rent is \$773 and due on the 1st day of each month.

N13 Notice of Termination

6. On November 30, 2021, the Landlord gave the Tenant an N13 notice of termination with the termination date of March 31, 2022 deemed served on November 30, 2022. The Landlord claims vacant possession of the rental unit is required for demolition of the rental unit.
7. It was the uncontested evidence of the Landlord that he requires the rental unit to be vacated because the Landlord in good faith intends to demolish it. He said that when he purchased the residential complex in April 2021, it contained 3 rental units. Upon inspection by the Town of Halton Hills, the residential complex was zoned for 2 dwellings and the basement unit must become part of the main floor unit. Submitted as evidence is correspondence and the Building Permit which states in the description of work that the basement kitchen must be removed, maximum of two units allowed.
8. I am satisfied that the Landlord has obtained the necessary permits for this work.
9. The Landlord is required to compensate the Tenant in an amount equal to one month's rent by the termination date or offer the Tenant another rental unit acceptable to the Tenant.
10. The Landlord paid the Tenant the required compensation when he returned a post-dated cheque from the Tenant and a cover letter which states:

Dear Mr. Stephen Squier,

Please find enclosed your January 2022 rent cheque #061 in the amount of \$773.00 being returned to you as compensation that is required pursuant to the N13. Your January 2022 rent is being waived as the landlord is required to compensate you one-month rent pursuant to the N13.

Relief from eviction

11. The Landlord said he has no knowledge of the Tenant's circumstances.
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 November 18, 2022.

2. If the unit is not vacated on or before November 18, 2022, then starting November 19, 2022, 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 November 19, 2022.

November 7, 2022
Date Issued

Dana Wren
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 May 19, 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.