



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

Citation: Mokhtari v Murray, 2022 ONLTB 9598

Date: 2022-10-27

File Number: LTB-L-038028-22

In the matter of: Basement, 99 Laverock Ave
Richmond Hill ON L4C4J7

Between: Hajir Mokhtari Landlord

And

Daniel Murray Tenant

Hajir Mokhtari (the 'Landlord') applied for an order to terminate the tenancy and evict Daniel Murray (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 October 19, 2022.

Only the Landlord and the Landlord's Representative, Joseph Behar attended the hearing. Fariba Ghafouri Shahmirzadi also attended as witness for the Landlord.

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 and there's no reason to deny or delay eviction.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On June 1, 2022, the Landlord gave the Tenant an N12 notice of termination June 1, 2022 with the termination date of July 31, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by Fariba Ghafouri Shahmirzadi.
4. The Landlord in good faith requires possession of the rental unit for the purpose of his parent's residential occupation for a period of at least one year as supported by testimony from both the Landlord and his mother.

5. The Landlord has compensated the Tenant an amount equal to one month's rent by July 31, 2022 by way of a credit applied to the Tenant's rent charges for July 2022 at the time, as confirmed by letter signed by both the Landlord and Tenant on October 7, 2022.
6. The Landlord has not given an N12 Notice for this or any other unit in the last two years.
7. 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 7, 2022.
2. If the unit is not vacated on or before November 7, 2022, then starting November 8, 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 8, 2022.

October 27, 2022

Date Issued

Sandra Macchione

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 8, 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.

