



AMENDED
Order under Section 69
Residential Tenancies Act, 2006


File Number: LTB-L-073953-23-AM

In the matter of: 9 SABLE RD
THORNHILL ON L4J0K1

Between: Tracy Tong

And

Dalia Benchimol

I hereby certify this is a true copy of an Order dated
January 23, 2024

Landlord and Tenant Board

Landlord

Tenant

On January 11, 2024, the Landlord filed a request to amend the Order to correct a clerical error in the original order issued on January 2, 2024. The amended sections are underlined. The rest of the order remains unchanged.

Tracy Tong (the 'Landlord') applied for an order to terminate the tenancy and evict Dalia Benchimol (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 December 21, 2023.

The Landlord, the Landlord's Legal Representative Jordan Nieuwhof, the Tenant and the Tenant's Legal Representative Dan McIntyre attended the hearing.

The parties before the LTB consented to the following order.

Background:

1. On September 21, 2023, the Landlord gave the Tenant an N12 notice of termination with the termination date of November 30, 2023. The Landlord claims that they in good faith require possession of the rental unit for the purpose of their own residential occupation for a period of at least one year.
2. Each party's situation and circumstances are quite challenging. The Landlord, her spouse and their children have just relocated from Australia to share caregiving responsibilities with family members because her father is in need of specialized care. At this time, she and her family are living with her parents in the parents' home. The Landlord's sister, spouse and children are also residing there. The Landlord and her spouse have a child with autism and she has her own special needs.
3. The Tenant is a single parent of four children. While she works full-time, she has no other financial supports. She also has a child who lives with autism, who is facing significant challenges at school. The Tenant will move out but she needs additional time.

4. Each mother wants to safeguard their special needs child from more than minimal disruption to their child's daily lives and routines and they want to ensure that necessary, major transitions are managed appropriately. This was a primary focus for each family.
5. The Landlord wanted to make one more move, which will be into the rental unit, and she is looking to enrol the children in a school within the rental unit's catchment area as soon as possible. The Tenant wished to have her special needs child complete the school year, moving out after June 30, 2023 because a mid-year relocation will be detrimental to her child's well-being.
6. The parties spent significant time negotiating throughout and we engaged in case management. They, and their representatives, are commended for demonstrating empathy to the other party's circumstances and for coming to a mutually satisfactory, uncomplicated resolution which balances the parties' interests, rights and obligations.
7. The Landlord has compensated the Tenant an amount equal to one month's rent as required by November 30, 2023.
8. An order will issue in accordance with the terms of the agreement.

It is ordered on consent that:

1. The tenancy between the Landlord and the Tenant is terminated as of July 8, 2024. The Tenant must move out of the rental unit on or before July 8, 2024.
2. If the unit is not vacated on or before July 8, 2024, then starting July 9, 2024, 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 July 9, 2024.

January 2, 2024
Date Issued



Elle Venhola
Member, Landlord and Tenant Board

January 23, 2024
Date Amended

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 January 11, 2025 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.