



Order under Section 16.1 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

File Number: LTB-L-065774-24-IN

In the matter of: Basement Unit, 43 WAYMOUNT AVE
RICHMOND HILL ON L4S2G5

Between: Naresh Beni Prasad Gupta

And

Pouneh Vaziri
Farang Mohamed El Fadhil

I hereby certify this is a true copy of an Order dated

MAR 4, 2025

Landlord and Tenant Board

Landlord

Tenants

INTERIM ORDER

Naresh Beni Prasad Gupta (the 'Landlord') applied for an order to terminate the tenancy and evict Pouneh Vaziri and Farang Mohamed El Fadhil (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.
- the Tenants or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex.

The Landlord also claimed compensation for each day the Tenants remain in the unit after the termination date.

This application was heard by videoconference on February 25, 2025. The Landlord, represented by Rachael Ostroff-Mann and Marc Goldgrub, and the second-named Tenant,

Determinations:

1. At the hearing, the Tenants' Representative requested an adjournment because the first-named Tenant recently had a serious medical event. As this Tenant has had more interaction with the Landlords and also assists the second-named Tenant with translation, the Tenant Representative submits proceeding with the matter would be prejudicial.
2. The Landlord Representative contests the adjournment because the medical documentation one might expect is insufficient and because of the concerning nature of the ongoing behaviour of the Tenants which forms the basis of the Landlord's L2 application before the Board.

3. After considering the parties' submissions, I granted the adjournment because the medical event could not have been foreseen and the Tenants' Representative made good faith attempts to garner an adjournment on consent prior to the hearing.
4. However, the Tenants' Representative is directed to provide to the Board and to the Landlord, within seven business days, medical documentation which would substantiate the first-named Tenant's absence at the hearing, failing which the Landlord may make submissions for costs at the next hearing date.
5. Further, the Tenants shall refrain from engaging in any behaviour which underpins the allegations made in the Landlord's N5 notice of termination.
6. Both parties agree to communicate through their legal representatives.
7. I am not seized.

It is ordered that:

1. The hearing is adjourned to a date to be scheduled by the LTB peremptory on the Tenants.
2. The parties shall provide their unavailable dates for the months of April through August 2025 to the LTB by end of day February 27, 2025.
3. The LTB will send the parties a Notice of Hearing for the next hearing date.
4. The Tenants shall refrain from substantially interfering the Landlord's lawful rights, privileges and interests, including:
 - Refraining from smoking any substance in the rental unit;
 - Removing personal items from common areas including the back yard;
 - Refraining from threatening or harassing conduct towards the Landlord, the Landlord's guests or their occupants.
5. If the Tenants fail to comply with the conditions set out in paragraph 4 of this interim order, the Landlord may request the Board expedite the hearing.

March 4, 2025
Date Issued



Jane Dean
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.