



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-98242-21

In the matter of: 154 FANDANGO DRIVE
BRAMPTON ON L6X0P7

Between: Jasinthan Gopalapillai Landlord

and

Faiz Siddiqui Tenants
Farah Mohammed

Jasinthan Gopalapillai (the 'Landlord') applied for an order to terminate the tenancy and evict Farah Mohammed and Faiz Siddiqui (the 'Tenants') because the Landlord requires possession of the rental unit for the purpose of residential occupation.

This application was heard via videoconference on July 29, 2021.

The Landlord and the Tenants and Tenant's Legal Representative Peter Lopez attended the hearing.

Determinations:

1. The Landlord served the Tenant an N12 Notice of Termination, claiming that they require vacant possession of the rental unit because the Landlord and their spouse/child intends to move into the unit. The termination date in the N12 is March 31, 2021.
2. Section 48(1) of the *Residential Tenancies Act, 2006* (the "Act") allows a landlord to serve a tenant a notice of termination if the landlord in good faith requires possession of the rental unit for the purpose of residential occupation by the purchaser's spouse/parent child.
3. At the hearing, the Landlord submitted an affidavit signed by the stating the reason the property will be used.
4. In the present case, I have reviewed the affidavit and determined the affidavit was from the previous Board file CEL-92329-20, this file was dismissed on February 8, 2021. The Landlord failed to provide an affidavit for this present application. The only explanation provided was he was not aware of the process. The Landlord failed to present any evidence for my consideration.

5. Therefore, I find that affidavit is invalid. Accordingly, the application is dismissed without prejudice.

It is ordered that:

1. The application is dismissed without prejudice.

August 30, 2021
Date Issued



Anthony Bruno
Member, Landlord and Tenant Board

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3 Robert Speck Pkwy, 5th Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.