



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

Citation: Malik v Karam, 2022 ONLTB 2054

Date: 2022-07-29

File Number: LTB-L-000770-22

In the matter of: 5181 CHURCHILL MEADOWS BLVD
MISSISSAUGA ON L5M8B6

Between: Humera Malik
Wajid Malik

And

Ahmed Karam
Mona Anwar

I hereby certify this is a
true copy of an Order dated
JUL 29, 2022
Landlord and Tenant Board

Landlords

Tenants

Humera Malik and Wajid Malik (the 'Landlord') applied for an order to terminate the tenancy and evict Ahmed Karam and Mona Anwar (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 July 11, 2022.

The Landlord, Wajid Malik, the Landlords' Legal Representative, Muhammad Zafar, the Tenants, and the Tenants' Legal Representative, Rajan Mahavalirajan, attended the hearing.

Determinations:

1. As I explained at the hearing, the Landlords' application for an order terminating the tenancy and evicting the Tenants for landlord's own use must be dismissed as it is based on an invalid notice of termination.
2. Pursuant to subsection 48(2) of the *Residential Tenancies Act, 2006* (the 'Act'), the date for termination on an N12 notice like this one must be the last day of the period of the tenancy or the last day of a fixed term. Here the period of the tenancy is monthly, and the tenancy commenced on September 25, 2017.
3. The Tenant's Legal Representative submitted a series of cheques as evidence which showed that the Tenants pay the monthly rent on the fifth of each month therefore the end of the rental period is the fourth of each month.
4. The termination date on the N12 Notice is December 31, 2021. As a result, it does not meet the mandatory requirements of the Act and this application must be dismissed.

5. The Landlords paid the Tenants one month of rent (\$4,000.00) in compensation as required by the Act. As the Landlords' application is dismissed, the Tenants will be ordered to refund this compensation to the Landlord.

It is ordered that:

1. The Landlords' application is dismissed.
2. The Tenants shall pay to the Landlord an amount equivalent to one month's rent. This amount shall be paid to the Landlords no later than August 10, 2022.
3. If the Tenants do not pay the Landlords the full amount owing by August 10, 2022, they will owe interest. This will be simple interest calculated from August 11, 2022 at 3.00% annually on the balance outstanding.

July 29, 2022
Date Issued



Susan Priest
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground 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.