



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

File Number: LTB-L-091605-25

In the matter of: Basement, 52 RICHVALE DR S
BRAMPTON ON L6Z1M5

Between: Mihirkumar Pandya Landlord

And

Marticia Nadine Mitchell Tenant

Mihirkumar Pandya (the 'Landlord') applied for an order to terminate the tenancy and evict Marticia Nadine Mitchell (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 January 8, 2026.

Only the Landlord attended the hearing.

As of 9:25 a.m., 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 in the application. Therefore, the tenancy shall be terminated pursuant to the terms of this order.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On October 5, 2025, the Landlord gave the Tenant an N12 notice of termination by handing the documents to the Tenant with the termination date of December 31, 2025. The Landlord claims that they require vacant possession of the rental unit for the purpose of their own residential occupation.

4. The Landlord resides in a self-contained unit located on the upper level of the rental property. This unit has 3 bedrooms, and 2 washrooms, and is being shared by the Landlord's family of 4 adults and 3 children.
5. The Tenant lives in the rental unit located in the lower level/basement of the rental property.
6. The Landlord testified that they require vacant possession of the lower-level rental unit for the Landlord's own use and residential occupation. More specifically, the Landlord intends on occupying the basement/lower-level unit as an extension of the living space on the upper level. This would allow the Landlord to have more space within the home and have the ability to create a quiet home workspace or office.
7. The Landlord testified that he intends on using this space for an indefinite period and has no intentions of re-renting or selling the property in the future. The Landlord also confirmed his understanding of not having the ability to re-rent or sell the rental unit for a period of at least one year.
8. Based on the uncontested evidence, I find that the Landlord in good faith requires possession of the rental unit for the purpose of their own residential occupation for a period of at least one year.
9. The Landlord has compensated the Tenant an amount equal to one month's rent by December 31, 2025.
10. The Landlord collected a rent deposit of \$1,400.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$135.49 is owing to the Tenant for the period from July 23, 2021, to January 8, 2026.
11. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.
12. The Landlord informed the Board that the Tenant has four children that she lives with. The Landlord also stated that he has not seen the Tenant on the rental premise since approximately October 2025, despite the Tenant's personal belongings still being in the rental unit.
13. The Landlord sought the issuance of a standard order.
14. 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 not be unfair to postpone the eviction until January 31, 2026, pursuant to subsection 83(1)(b) 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 January 31, 2026.
2. If the unit is not vacated on or before January 31, 2026, then starting February 1, 2026, 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 February 1, 2026.

January 14, 2026
Date Issued

Ilan Shingait
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 August 1, 2026, 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.