



**Order under Section 69 / 88.2
Residential Tenancies Act, 2006**

File Number: LTB-L-090672-25-RV2

In the matter of: BASEMENT, 455 Dorchester Crt
Newmarket ON L3Y7Z7

Between: Fatemeh Khormaeipour Landlord

And

Shelby Burns Tenant
KATHLEEN BURNS

Fatemeh Khormaeipour (the 'Landlord') applied for an order to terminate the tenancy and evict Shelby Burns and KATHLEEN BURNS (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. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

The application was resolved by order LTB-L-090672-25. The order was overturned on review, and a new hearing ordered.

The new hearing was held by videoconference on June 24, 2026.

Only the Landlord and the Landlord's representative Alireza Hesami attended the hearing. Ali Azari testified for the Landlord.

As of 9:16am when the matter was heard, 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.

At roughly 10:59am, a device named "Shelby Burns" connected to the videoconference hearing, but disconnected before I had signed them in. By that time, the matter had already concluded and the Landlord and her representative had left.

Determinations:

1. I am satisfied that the Tenants received notice of the hearing. The LTB served the notice in the usual way. In addition, the Landlord sent the Notice of Hearing to one of the Tenants by text message, and handed a paper copy to the other Tenant.

2. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Landlord in good faith requires possession of the rental unit for the purpose of residential occupation by her son for a period of at least one year.
4. The Landlord gave the Tenant an N12 notice of termination with the termination date of December 31, 2025 for the purpose of residential occupation by her son.
5. The Landlord has compensated the Tenant an amount equal to one month's rent, by waiving the rent for November, 2025.
6. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenants did not attend the hearing and did not request relief.

Daily compensation

7. The Tenants were required to pay the Landlord \$11,219.25 in daily compensation for use and occupation of the rental unit for the period from January 1, 2026 to June 24, 2026.
8. Based on the monthly rent, the daily compensation is \$64.11. This amount is calculated as follows: \$1,950.00 x 12, divided by 365 days.
9. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before July 10, 2026.
2. If the unit is not vacated on or before July 10, 2026, then starting July 11, 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 July 11, 2026.
4. The Tenants shall pay to the Landlord \$11,219.25, which represents compensation for the use of the unit from January 1, 2026 to June 24, 2026, less any amounts already paid in rent for that period.
5. The Tenants shall also pay the Landlord compensation of \$64.11 per day for the use of the unit starting June 25, 2026 until the date the Tenants move out of the unit.
6. If the Tenants do not pay the Landlord the full amount owing on or before July 10, 2026, the Tenants will start to owe interest. This will be simple interest calculated from July 11, 2026 at 4.00% annually on the balance outstanding.

June 29, 2026

Date Issued

Dale Whitmore
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 January 11, 2027 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.