

CITATION: Saleh v. Bedford Properties and Estates Ltd., 2012 ONSC 6471
DIVISIONAL COURT FILE NO.: 332/11
DATE: 20121115

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT
PARDU, KITELEY AND GRACE JJ.

BETWEEN:)	
)	
MOHAMMED SALEH)	<i>Karen Andrews</i> , for the Tenant (Appellant)
)	
)	Tenant
)	(Appellant)
)	
- and -)	
)	
BEDFORD PROPERTIES AND ESTATES LIMITED)	<i>Alim Ramji</i> , for the Landlord (Respondent in Appeal)
)	
)	Landlord
)	(Respondent in Appeal)
)	
)	
)	HEARD at Toronto: November 15, 2012

PARDU J. (ORALLY)

[1] This is an appeal limited to a question of law alone from a decision of the Landlord and Tenant Board.

[2] The appeal is based on two grounds:

- (i) inadequacy of reasons;

- (ii) an argument that the corporate landlord was not entitled to resort to s. 48(1) of the *Residential Tenancies Act* to provide occupation of a rental unit for a parent of the sole shareholder of the corporate landlord.

[3] The Tribunal concluded:

Based on the evidence before me I find that it is more likely than not that the Landlord's mother in good faith requires possession of the rental unit for the purpose of residential occupation.

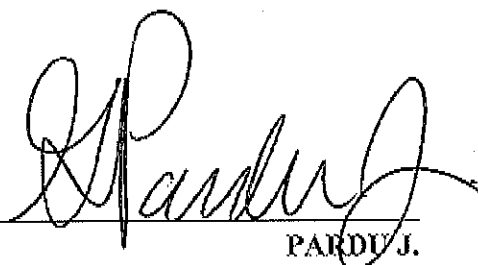
[4] The Tribunal cited the relevant authorities, the statutory tests and referred to the evidence that the mother of the sole shareholder was seventy-two years old and was moving to Toronto from Nova Scotia because of a separation from her husband and that she needed a place to live. The landlord introduced into evidence a copy of his mother's one-way plane ticket from Nova Scotia to Toronto.

[5] These reasons are adequate to explain how the Tribunal came to its conclusions. Section 2(a) of the *Residential Tenancies Act* defines landlord to include a person permitting occupancy. *Slapsys (1406393 Ontario Inc.) v. Abrams*, 2010 ONCA 676, establishes for the purposes of the *Residential Tenancies Act* that "landlord" includes the sole shareholder of a corporate landlord. Section 48(1)(c) specifically includes the parent of a landlord as a person for whom the landlord may claim occupancy.

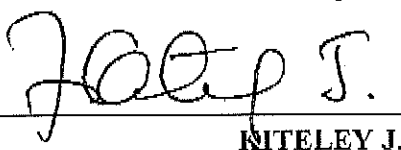
[6] The Tribunal was correct in concluding that the landlord here was entitled to claim occupancy for the sole shareholder's mother.

[7] Accordingly, the appeal is dismissed.

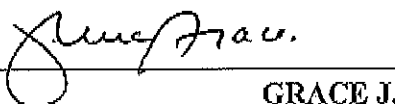
[8] I have endorsed the Appeal Book, "Appeal dismissed for reasons delivered orally. On consent, order to issue that Mohammed Saleh vacate premises at 38 Lambton Avenue, Unit 3, Toronto, on or before February 28, 2013 at 4:30 p.m. Costs to the respondent fixed at \$1,000, all inclusive".



PARDU J.



RITELEY J.



GRACE J.

Date of Reasons for Judgment: November 15, 2012

Date of Release: **NOV 19 2012**

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MOHAMMED SALEH

Tenant
(Appellant)

- and -

BEDFORD PROPERTIES AND ESTATES LIMITED

Landlord
(Respondent in Appeal)

ORAL REASONS FOR JUDGMENT

PARDU J.

Date of Reasons for Judgment: November 15, 2012

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