

Landlord's Own Use – Corporations (Landlord Bedford Properties)

A corporate landlord has used the Slapsys decision issued by the Ontario Court of Appeal two years ago to evict a tenant who has lived in his basement unit for over 20 years. The evidence showed that the corporate landlord took over the tenant's building shortly before he began proceedings to evict him using the landlord's own use provision of the Residential Tenancies Act. Further, the corporate landlord owned and controlled 152 units in his real estate portfolio that included a similar building next door to the tenant's building.

The corporate landlord asserted that he needed the tenant's basement unit for his elderly mother who was leaving her home and marriage in Halifax to move to Toronto. The mother did not attend the hearing. The evidence showed that because the tenancy was so longstanding, the rent was extremely low and inclusive of parking and utilities. Rents for similar units in the complex were renting for at least \$300 more and did not include additional services. The evidence also showed that the landlord advertised for new tenants on an ongoing basis. It was the tenant's evidence that his unit would be unsuitable for an elderly woman especially if she had a rich son.

In a disappointing decision, the Divisional Court has allowed a corporate landlord who owned over 150 units to evict a tenant who has lived in his apartment for over 20 years. The landlord asserted the low-rent basement unit was needed for his elderly mother.