



Order under Section 69
Residential Tenancies Act, 2006

File Number: NOL-42435-21

In the matter of: 402, 277 NORTHERN AVENUE EAST
SAULT STE. MARIE ON P6B6E1

Between: The Columbus Club Housing Corporation Landlord

and

Chelsey Williams Tenant

The Columbus Club Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Chelsey Williams (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard on February 7, 2022. The Landlord's representative Kathy McIntyre attended the hearing.

Preliminary Matters:

The Tenant had signed in for the hearings that began at 9:00am. At 1:20 when the application was heard the Tenant was not in attendance. All of the rooms were checked at that time by me as well as the moderator. The Landlord's representative informed me that the Tenant had possibly met with Duty Counsel Marcos Gomez. The rooms were also checked to find Mr. Gomez but he could not be located. After neither could be located, the hearing proceeded without the Tenant. After the hearing concluded the Tenant came to the hearing room. She informed me she was meeting with Duty Counsel. As we had searched for the Tenant in all possible locations where Mr. Gomez or any other Duty Counsel would have been meeting with a tenant and the Tenant could not be located. I made the determination the Tenant chose not to attend the hearing but instead call in after the hearing had concluded and issue the following order. I also note that this application was previously adjourned in October 2021 and that the application was filed on March 24, 2021.

Determinations:

1. The Tenant's downstairs neighbour Kelly Leveque, and neighbour on the same floor as the Tenant Cheryl Pelletier, testified at the hearing. Both confirmed that the Tenant has

loud fights, arguments, slamming doors, dragging furniture, men coming and going frequently, and loud music at parties on nearly a daily basis.

2. The witnesses believe there is excessive drug use in the Tenant's unit. The police have been to the unit many times and their testimony even had the Tenant asking the police for the drugs to be returned that they had seized.
3. The testimony shows that this is happening at all hours of the day and night which supports the Landlord's allegations.
4. The witnesses testified that the situation is totally unbearable and they do not feel safe as this behaviour continues.
5. I find this conduct has substantially interfered with the Landlord's and the other tenants' reasonable enjoyment of the residential complex.
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.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated, as of February 25, 2022. The Tenant must move out of the rental unit on or before February 25, 2022.
2. The Tenant shall pay to the Landlord \$4,257.84, which represents compensation for the use of the unit from March 13, 2021 to February 14, 2022.
3. The Tenant shall also pay to the Landlord \$12.56 per day for compensation for the use of the unit from February 15, 2022 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$201.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before February 25, 2022, the Tenant will start to owe interest. This will be simple interest calculated from February 26, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before February 25, 2022, then starting February 26, 2022, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. 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 26, 2022.



Greg Joy
Member, Landlord and Tenant Board

February 14, 2022
Date Issued

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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 expires on August 26, 2022 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.