



Order under Sections 31 and 69
Residential Tenancies Act, 2006

File Numbers: EAL-93585-21
EAT-95035-21

In the matter of: 4, 54 STANLEY STREET
KINGSTON ON K7K 1Y1

Between: Tonik Properties Landlord

and

Janice Ashford Tenant

Tonik Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Janice Ashford (the 'Tenant') because the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex involving the production of an illegal drug, the trafficking in an illegal drug or the possession of an illegal drug for the purposes of trafficking. The Landlord applied for an order requiring the Tenant to pay compensation for damage to the rental unit or the residential complex (the 'L2 Application').

The Tenant applied for an order determining that the Landlord, the Landlord's superintendent or the Landlord's agent harassed, obstructed, coerced, threatened or interfered with the Tenant, altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys, entered the rental unit illegally and substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of the Tenant's household (the 'T2 Application').

The L2 Application was originally heard via video conference on March 3, 2021. However, as the adjudicator did not issue an order before the end of her appointment, the hearing was reconvened on October 1, 2021, also by via video conference.

The T2 Application was heard on May 25, 2021, but only the allegation of the illegal lock out was address via interim order EAT-95035-21-IN, issued on May 27, 2021. The application was adjourned to resolve the balance of the application; however, as of the present hearing date, the Landlord and Tenant Board (the 'Board') had not scheduled a new hearing date.

The Landlord's Agents, Tony Young ('T.Y.') and Nicole Young ('N.Y.'), the Landlord's Legal Representative, Alison Turnbull, and the Tenant attended the hearing. The Tenant's former Tenant's Legal Counsel, John Done, also attended the hearing.

The parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

Preliminary Issues:

1. The T2 Application is amended to reflect the correct Landlord rather than the Landlord's Agents, T.Y. and N.Y.
2. At the hearing, the Tenant confirmed that she no longer wished Mr. Done to represent her for either file. He was therefore removed as counsel of record for the Tenant.
3. Mr. Done nonetheless had submitted materials on the Tenant's behalf with respect to jurisdiction and requested that I consider them. As he no longer represented the Tenant, I find that he lacked standing to do so. In any event, in light of the terms of the joint submission below, I find that these issues would be moot. Having discharged her Legal Counsel, the Tenant declined the opportunity to speak with Duty Counsel prior to the hearing.

At the hearing, the parties agreed:

1. At the hearing, the Landlord and the Tenant both requested the consent of the Board to withdraw their respective applications.
2. In accordance with subsection 200(4) of the *Residential Tenancies Act, 2006* (the 'Act'), I consent to the withdrawal of the applications.
3. The Landlord's Legal Representative also undertook to withdraw the Landlord's application in Ontario Small Claims Court or to otherwise refrain from pursuing compensation for damage to the rental unit or the residential complex as alleged in the L2 Application.
4. This order resolves all issues with respect to the tenancy up to the date of the hearing.

On consent of the parties, it is ordered that:

1. The L2 Application and the T2 Application having been withdrawn, the Board's files are closed.

October 6, 2021
Date Issued

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P 6A9


Kevin Lundy
Member, Landlord and Tenant Board

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.