



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-23520-21

In the matter of: 403, 292 OAKDALE AVENUE
ST CATHARINES ON L2P3T3

Between: Oakdale Holdings Ltd Landlord

and

Frank Sangiuliano Tenants
Samantha Masini

Oakdale Holdings Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Frank Sangiuliano and Samantha Masini (the 'Tenants') because they have been persistently late in paying their rent.

This application was heard by way of video conference at 9:00 am on September 1, 2021. The Landlord's Representative, Stephanie Lauersen attended the hearing. As of 11:07 am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. This a month to month tenancy.
2. The Tenant has persistently failed to pay the rent on the date it was due, being the 1st day of each month. The Tenant has paid the rent late 12 out of the last 12 months for the period of September 1, 2020 to August 1, 2021.
3. The Tenant is in possession of the rental unit.
4. The lawful monthly rent is \$1511.79
5. The Landlord is holding a last month rent deposit in the amount of \$1443.67.
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 not be unfair to grant relief from eviction pursuant to subsection 83(1)(a) of the Act so long as Tenant satisfies the conditions set out below.

7. The Landlord was seeking a “pay on time” order, not an order terminating the tenancy.

It is ordered that:

1. The Tenant shall pay their lawful monthly rent to the Landlord in full and on time on or before the 1st day each and every month for the twelve (12) consecutive months commencing October 2021 through to and including September 2022.
2. If the Tenant fails to make any one of the payments set out in paragraph 1 above, in full and on time, the Landlord may apply under section 78 of the *Residential Tenancies Act*, 2006 (the ‘Act’), without notice to the Tenants for an order terminating the tenancy and evicting the Tenant. The Landlord must make this application no later than 30 days after the Tenant fails to make any payment.
3. The Tenant shall pay the Landlord \$186.00 for the cost of filing this application.
4. If the Tenant does not pay the Landlord the full amount owing on or October 9, 2021, the Tenant shall start to owe interest. This will be simple interest calculated from October 10, 2021 at 2.00% annually on the balance outstanding.

September 28, 2021
Date Issued



Trish Carson
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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