



SEP 20, 2023

**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Victor Davis Memorial Court Non-Profit Homes Inc. v Cracknell, 2023 ONLTB 62501

Date: 2023-09-20

File Number: LTB-L-082025-22

In the matter of: 1003, 87 Neeve Street
Guelph ON N1E6Z5

Between: Victor Davis Memorial Court Non-Profit Homes Inc. Landlord

And

Stephanie Cracknell Tenant

Victor Davis Memorial Court Non-Profit Homes Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Stephanie Cracknell (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on September 6, 2023.

Only the Landlord's legal representative D. Skvereckas attended the hearing.

As of 10:28 am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant has persistently failed to pay the rent on the date it was due.
4. The Tenant was required to pay the Landlord \$1,308.89 in daily compensation for use and occupation of the rental unit for the period from August 1, 2023 to September 6, 2023 plus \$6.00 of unpaid compensation from July 2023 for a total of \$1,314.89.
5. Based on the Monthly rent, the daily compensation is \$35.38. This amount is calculated as follows: \$1,076.00 x 12, divided by 365 days.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

7. The Landlord collected a rent deposit of \$1,083.05 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$29.05 is owing to the Tenant for the period from January 1, 2022 to September 6, 2023.
8. In accordance with subsection 106(10) of the *Residential Tenancies Act, 2006*, (the 'Act') the last month's rent deposit shall be applied to the rent for the last month of the tenancy.
9. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenant did not attend the hearing to request relief from eviction.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before October 1, 2023.
2. If the unit is not vacated on or before October 1, 2023, then starting October 2, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 October 2, 2023.
4. The Tenant shall pay to the Landlord \$1,314.89, which represents compensation for the use of the unit from August 1, 2023 to September 6, 2023 (plus \$6.00 owing from July 2023).
5. The Tenant shall also pay the Landlord compensation of \$35.38 per day for the use of the unit starting September 7, 2023 until the date the Tenant moves out of the unit.
6. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
7. The Landlord owes \$1,112.10 which is the amount of the rent deposit and interest on the rent deposit, and this is deducted from the amount owing by the Tenant.
8. The total amount the Tenant owes the Landlord is \$388.78.
9. If the Tenant does not pay the Landlord the full amount owing on or before October 1, 2023, the Tenant will start to owe interest. This will be simple interest calculated from October 2, 2023 at 6.00% annually on the balance outstanding.

September 20, 2023
Date Issued



Renée Lang
Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor,
Toronto ON M7A 2G6

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 of the Tenant expires on April 2, 2024 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.