



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-23671-21

In the matter of: UNIT#1 (UPPER), 740 ARVIN AVENUE
STONEY CREEK ON L8E5N1

Between: Gino Yachetti Landlord

and

Bryan Tessier Tenant

Gino Yachetti (the 'Landlord') applied for an order to terminate the tenancy and evict Bryan Tessier (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 October 27, 2021. Only the Landlord and the Landlord's legal representative, Francisco Gomez, attended the hearing. As of 12:40 p.m. the Tenant was not present or represented although properly served with the notice of this hearing by the Board.

Determinations:

1. The Tenant has persistently failed to pay the rent on the date it was due. The Tenant was late 13 out of 13 months between August 2020 and August 2021. The Landlord subsequently served the Tenant with a notice of termination for persistent late payment with a termination date of October 31, 2021. The Tenant was late with rent payments after receiving the notice of termination.
2. The Landlord incurred the cost of \$186.00 for filing this application and is entitled to reimbursement of this cost.
3. 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 subject to the condition(s) set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

It is ordered that:

1. For 12-month period beginning in December 2021 and continuing for each month until November 2022 inclusive, the Tenant shall pay the monthly rent to the Landlord on or before the first day of each month.
2. The Tenant shall pay the rent for the month of November 2021 in full and on or before November 13, 2021.
3. If the Tenant fails to make any of the payments required under paragraphs 1 or 2 of this order in full and on time, the Landlord may apply under s. 78 of the Residential Tenancies Act, 2006 within 30 days of the breach without notice to the Tenant for an order terminating the tenancy and evicting the Tenant.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before November 13, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 14, 2021 at 2.00% annually on the balance outstanding.

2021 CanLII 143908 (ON LTB)

November 2, 2021
Date Issued



Vladimir Nikitin
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.