



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

**File Number:** SOL-20996-21

**In the matter of:** B5, 500 STONE CHURCH ROAD WEST  
HAMILTON ON L9B1R2

**Between:** Chet Kras Landlords  
Kathleen Kras

**and**

Teresa Clark Tenant

Chet Kras and Kathleen Kras (the 'Landlords') applied for an order to terminate the tenancy and evict Teresa Clark (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on August 11, 2021.

Only the Landlords attended the hearing. As of 11:12 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

**Determinations:**

1. On February 11, 2021, the Landlords served the Tenant a Notice to Terminate at End of the Term for persistent late payment of rent (the 'N8 notice') with a termination date of April 30, 2021.
2. I find that the N8 notice is in compliance with the *Residential Tenancies Act, 2006*, it meets the 60 day requirement, and it provides sufficient details of the reason for the notice.
3. On the Landlords' unopposed evidence, I find on the balance of probabilities that the Tenant has persistently failed to pay the rent on the date it was due, as specified on the notice.
4. The Landlord Kathleen Kras testified that she rents the basement unit of the townhouse to the Tenant in order to assist her with paying the mortgage, condominium fees, and property taxes, and as the rent is persistently late she cannot make her payments on time and it is causing her financial hardship. She testified that she cannot afford her expenses for the townhouse if the rent is not paid on time. The Tenant did not attend to provide evidence of her circumstances.

5. 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.
6. The Landlords have incurred the cost of \$186.00 for filing the application and is entitled to reimbursement of those costs.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenant is terminated, as of September 11, 2021. The Tenant must move out of the rental unit on or before September 11, 2021.
2. The Tenant shall pay to the Landlords \$186.00 for the cost of filing the application on or before September 11, 2021.
3. If the Tenant does not pay the Landlords the cost of filing the application on or before September 11, 2021, the Tenant will start to owe interest. This will be simple interest calculated from September 12, 2021 at 2.00% annually on the balance outstanding.
4. If the unit is not vacated on or before September 11, 2021, then starting September 12, 2021, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
5. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after September 12, 2021.



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Nicola Mulima  
Member, Landlord and Tenant Board

**August 31, 2021**  
**Date Issued**

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on March 12, 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.