



Order under Section 69
Residential Tenancies Act, 2006

File Number: TEL-14766-21

In the matter of: 189 FINCH AVENUE
PICKERING ON L1V1H6

Between: Ranjith Varadarajan Landlord

and

Everett O'Brien Tenants
Lisa Lessard

2021 CanLII 128678 (ON LTB)

Ranjith Varadarajan (the 'Landlord') applied for an order to terminate the tenancy and evict Everett O'brien and Lisa Lessard (the 'Tenants') because they, another occupant of the rental unit or someone they permitted in the residential complex have wilfully or negligently caused undue damage to the premises. The Landlord has also applied for an order requiring the Tenants to compensate the Landlord for the damage; and because they have been persistently late in paying their rent.

This application was heard by videoconference on July 27, 2021.

Only the Landlord attended the hearing. As of 9:58 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

Persistently late rent

1. Based on the particulars contained in the N8 Notice of Eviction served to the Tenants January 22, 2021, I find that from August 2020 through January 21, 2021, the Tenants were late paying their rent 6 months out of the 6-month period.
2. The Landlord testified that the monthly rent is \$3,200.00 and he is no longer holding a last month rent deposit, it was already used. As of the hearing date the Tenants were one month behind in rent and since the application was filed, the Tenants had been late every month.
3. The Landlord also testified that he is seeking termination of the tenancy within the standard time, 11-days from the date of the order because he cannot sustain the unit with late rent. The mortgage comes out automatically therefore he has to cover the payments when the rent is not paid or not paid on time.

4. The Landlord further testified that he understands that the Board often orders a pay-on-time with a breach clause, but he needs the eviction in this case because of personal issues and other issues with the Tenants. He has received several complaints about the Tenants' dog, plus there is damage to the unit. He spoke to the Tenants and was told they will not vacate unless the Board orders them to. As for himself, he is in the process of a divorce and the unit is in his wife's name, he does not know what is going to happen to the rental property.

Damage

5. Although the application includes willful damage in the amount of \$5,600.00, the Landlord did not testify as to the damage or offer any evidence. Therefore, this part of the application is dismissed without prejudice.

Relief from Eviction

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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenants chose not to attend the hearing and defend against the eviction. Further, the Tenants have not made any good faith effort to preserve the tenancy by paying the Landlord on time; they have been late every month since the application was filed, and based on the Landlord's undisputed testimony, were in arrears as of the hearing date.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated, as of September 19, 2021. The Tenants must move out of the rental unit on or before September 19, 2021.
2. If the Tenants do not vacate the rental unit on or before September 19, 2021 then the Tenants shall also pay to the Landlord \$105.21 per day for compensation for the use of the unit starting September 20, 2021 to the date the Landlord receives vacant possession of the rental unit.
3. If the unit is not vacated on or before September 19, 2021, then starting September 20, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. 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 September 20, 2021.

September 8, 2021

Date Issued

Diane Wade

Member, Landlord and Tenant Board

Toronto East-RO
2275 Midland Avenue, Unit 2

Toronto ON M1P3E7

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 20, 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.