



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

Citation: Mehmi v Byrne, 2024 ONLTB 3238

Date: 2024-01-12

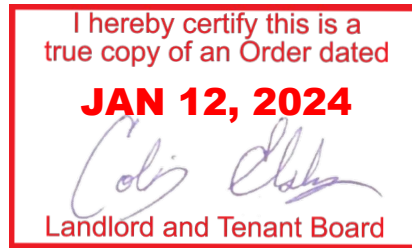
File Number: LTB-L-031849-23

In the matter of: 620, 118 RIVERVIEW DR
CHATHAM ON N7M1A5

Between: Ravinder Singh Mehmi

And

Kerry Byrne



Landlord

Tenant

Ravinder Singh Mehmi (the 'Landlord') applied for an order to terminate the tenancy and evict Kerry Byrne (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on November 15, 2023.

Only the Landlord and their legal representative, Jorge Andres Steinmetz, attended the hearing.

As of 10:00AM, 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. On April 17, 2023, the Landlord gave the Tenant an N8 notice of termination (N8) with a termination date of June 30, 2023. The N8 seeks termination of the tenancy on the ground that the Tenant has persistently failed to pay the rent on the date it was due.
2. The N8 stated that between November 2022 and March 2023, the Tenant was late in paying their rent every month.
3. The Tenant was in possession of the rental unit on the date the application was filed.
4. The monthly rent is \$1,350.00 and is due on the first day of the month.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. The Landlord collected a rent deposit of \$1,400.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$36.82 is owing to the Tenant for the period from October 28, 2022 to November 15, 2023.

7. 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.
8. At the hearing, the Landlord sought daily compensation. However, daily compensation was not included on the Landlord's application and the Tenant was not present. Therefore, I find that to amend the application and add a request for daily compensation at this time is not appropriate as the Tenant had no notice and would be prejudicial to the Tenant. The Landlord's request for daily compensation is denied.
9. The Landlord submitted a ledger showing that the Tenant has persistently failed to pay the rent on the date it was due. After the N8 was served, the Tenant continued to pay their rent late.
10. Based on the uncontested evidence before me, I find the Tenant has persistently failed to pay their rent on the day that it was due and payable.
11. 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.

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 January 23, 2024.
2. If the unit is not vacated on or before January 23, 2024, then starting January 24, 2024, 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 January 24, 2024.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
5. The Landlord owes \$1,436.82 which is the amount of the rent deposit and interest on the rent deposit. The Landlord is authorized to offset \$186.00 for the cost of filing the application from the amount the Landlord owes the Tenant under this order.
6. Any amounts owing under this order not paid on or before January 23, 2024, will start to owe interest. This will be simple interest calculated from January 24, 2024 at 7.00% annually on the balance outstanding.

January 12, 2024
Date Issued



Colin Elsby
Member, 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 July 24, 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.