



Order under Section 69
Residential Tenancies Act, 2006

File Number: NOL-41185-20

In the matter of: UNIT #3, 1071 LORNE STREET
SUDBURY ON P3C4S6

Between: Chloe Davis Landlord

and

Riley Mercier Tenant

Chloe Davis (the 'Landlord') applied for an order to terminate the tenancy and evict Riley Mercier (the 'Tenant') because the Landlord requires possession of the rental unit for the purpose of residential occupation. 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 June 7, 2021. Only the Landlord attended the hearing. As of 9:20 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. The Landlord served the Tenant with an N12 Notice of Termination on September 30, 2020, with a termination date of November 30, 2020.
2. The Tenant is in possession of the rental unit.
3. The Landlord testified that she purchased the residential complex, which has 3 units, with the intention of moving into the rental unit. The other 2 units are currently occupied by other tenants.
4. Based on the uncontested evidence before me, I am satisfied that the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation.
5. The Landlord testified that she paid the compensation to the Tenant in the amount of one month's rent by placing a cheque in the Tenant's mailbox on November 16, 2020. According to the Landlord's bank records, the cheque has not been cashed.
6. Based on the uncontested evidence before me, I am satisfied that the Landlord attempted to meet her obligation to pay the Tenant compensation equal to one month's rent, and that the Tenant failed to cash the cheque.

7. 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.
8. In terms of the Landlord's request for daily compensation, the Landlord testified that the Tenant has not paid rent for the since July 2020, and therefore did not pay rent from the termination date to the date of the hearing. Accordingly, the Tenant owes the Landlord \$7,043.40, which represents compensation, at a daily rate of \$27.95, for the use of the unit from December 1, 2020 to the date of this order. The Landlord must apply any payments made by the Tenant since the hearing against the amount owing.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated, as of August 20, 2021. The Tenant must move out of the rental unit on or before August 20, 2021.
2. The Tenant shall pay to the Landlord \$7,043.40, which represents compensation for the use of the unit from December 1, 2020 to August 9, 2021.
3. The Landlord shall apply any payments made by the Tenant since the date of the hearing against the amount owing in paragraph 2.
4. The Tenant shall also pay to the Landlord \$27.95 per day for compensation for the use of the unit from August 10, 2021 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing on or before August 20, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 21, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 20, 2021, then starting August 21, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. 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 August 21, 2021.

August 9, 2021
Date Issued



Kathleen Wells
Member, Landlord and Tenant Board

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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 February 21, 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.