



Order under Section 68
Residential Tenancies Act, 2006

File Number: EAL-96975-21

In the matter of: 1906, 20 THOMAS RILEY ROAD
ETOBICOKE ON M9B0C3

Between: Kaushal Kapasi Landlord

and

Rose Oria Tenant

Kaushal Kapasi (the 'Landlord') applied for an order to terminate the tenancy and evict Rose Oria (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

This application was heard by videoconference on November 17, 2021.

Only the Landlord attended the hearing. As of 1 p.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 rental unit is a condominium.
2. The Tenant took possession of the rental unit on April 10, 2021. Shortly after taking possession, there have been several complaints against the Tenant regarding excessive noise and smoking in the rental unit in violation of the condominium rules.
3. As a result of the Tenant's and the Tenant's guests' behaviour, police have attended on several occasions. The Landlord also received a letter from the lawyers representing the condominium corporation seeking legal costs associated with the Tenant's behaviour. These costs have been paid by the Landlord.
4. This conduct has substantially interfered with the Landlord's and the other tenants' reasonable enjoyment of the residential complex. This conduct also substantially interferes with a lawful right, privilege or interest of the Landlord and the other tenants and owners.

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 was not present at the hearing to request relief and the Tenant's behaviour has continued after receiving multiple N5 notices from the Landlord.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated, as of January 22, 2022. The Tenant must move out of the rental unit on or before January 22, 2022.
2. The Tenant shall pay to the Landlord \$201.00 for the cost of filing the application.
3. If the Tenant does not pay the Landlord the full amount owing on or before January 22, 2022, the Tenant will start to owe interest. This will be simple interest calculated from January 23, 2022 at 2.00% annually on the balance outstanding.
4. If the unit is not vacated on or before January 22, 2022, then starting January 23, 2022, the Landlord 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 Landlord on or after January 23, 2022.

January 11, 2022
Date Issued


Khalid Akram
Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9

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 July 23, 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.