



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-52748-21

In the matter of: 33, 49 CEDARWOODS CRESCENT
KITCHENER ON N2C2L1

Between: Oleksandr Tsedryk Landlord

and

Justin Joseph Rotteveel Tenants
Lynette Edith Molnar
Naomi Gizella Molnar

Oleksandr Tsedryk (the 'Landlord') applied for an order to terminate the tenancy and evict Naomi Gizella Molnar, Justin Joseph Rotteveel and Lynette Edith Molnar (the 'Tenants') because the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has or have substantially interfered with the reasonable enjoyment or lawful rights, privileges or interests of the Landlord or another tenant. The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by video conference on September 10, 2021.

Only the Landlord attended the hearing and was represented by Peter Schroeder. The Tenants were not present or represented at the hearing although they were properly served with notice of this hearing by the Board. There was no record of a request by the Tenants to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Mirososlav Lesic ('ML'), another tenant in the residential complex, provided evidence on behalf of the Landlord.

Determinations:

1. On April 16, 2021, the Landlord served a N5 notice with a termination date of May 31, 2021. That notice was based on complaints of loud music and the impact that was having on other residents of the residential complex.
2. On July 6, 2021, the Landlord served a second N5 with a termination date of July 31, 2021. That N5 was based on further complaints of loud music and the impact that was having on other residents of the residential complex.
3. The Landlord filed this L2 application on July 7, 2021.

4. Based on the testimony of ML, I am satisfied that the events described on both N5 notices took place as described in the N5 notices. I am also satisfied that the behaviour of the Tenants as described in both the first and the second N5 notice has substantially interfered with another tenant's substantial enjoyment of the residential complex.
5. The Landlord collected a rent deposit of \$2,095.00 from the Tenants and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenants for the period from February 1, 2021 to July 31, 2021
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.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before September 27, 2021.
2. The Tenants shall pay to the Landlord \$1,141.33, which represents compensation for the use of the unit from August 1, 2021 to September 16, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$68.88 per day for compensation for the use of the unit from September 17, 2021 to the date they move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing on or before September 27, 2021, they will start to owe interest. This will be simple interest calculated from September 28, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 27, 2021, then starting September 28, 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 September 28, 2021.

September 16, 2021
Date Issued



E. Patrick Shea
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.