



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

**File Number:** NOL-44139-21

**In the matter of:** 182 BIGGINGS AVENUE  
SAULT STE. MARIE ON P6A3T9

**Between:** Paul Mundy Landlord

**and**

Cindy Semczyszyn Tenants  
Dave (perry) Hoover  
L Y N N ( D O N A L D A ) M C K E N N A

Paul Mundy (the 'Landlord') applied for an order to terminate the tenancy and evict L Y N N ( D O N A L D A ) M C K E N N A, Cindy Semczyszyn and Dave (perry) Hoover (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, another occupant of the rental unit or someone they permitted in the residential complex have substantially interfered with the reasonable enjoyment or lawful right, privilege or interest 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 in Passcode: 988 4914 7021# on January 10, 2022. The Landlord represented by Francis Ibane, attended the hearing.

**Determinations:**

1. The Landlord introduced as evidence a series of photographs showing the extensive damage that has been caused to the rental unit. The Landlord will be required to replace the banister on the staircase, repair the extensive damage done to the plaster walls, replace the baseboards that have been torn off, replace the laminate flooring and carpeting that have been torn out and piled on the floor, as well as repairing and replacing the kitchen cabinets and doors that have been damaged and torn off. The Landlord will also need to replace the two-year washer and dryer as well as repair or replace the damage refrigerator.
2. Based on the testimony and the photographs introduced as evidence, I find The Tenants, an occupant of the rental unit or a person permitted in the residential complex by the Tenants have wilfully or negligently caused undue damage to the rental unit.

3. The Landlord will incur costs exceeding the \$6,000.00 claimed in the application to repair the damage and replace property that was damaged and cannot be reasonably repaired.
4. This conduct substantially interferes with a lawful right, privilege or interest of the Landlord.
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.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated, as of January 24, 2022. The Tenants must move out of the rental unit on or before January 24, 2022.
2. The Tenants shall pay to the Landlord \$6,000.00, which represents the reasonable costs of repairing the damage and replacing the damaged property.
3. The Tenants shall pay to the Landlord \$6,312.00, which represents compensation for the use of the unit from September 16, 2021 to January 13, 2022.
4. The Tenants shall also pay to the Landlord \$52.60 per day for compensation for the use of the unit from January 14, 2022 to the date they move out of the unit.
5. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. If the Tenants do not pay the Landlord the full amount owing on or before January 24, 2022, they will start to owe interest. This will be simple interest calculated from January 25, 2022 at 2.00% annually on the balance outstanding.
7. If the unit is not vacated on or before January 24, 2022, then starting January 25, 2022, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 25, 2022.

**January 13, 2022**  
**Date Issued**



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Greg Joy  
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 July 25, 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.