



Order under Section 69
Residential Tenancies Act, 2006

File Number: EAL-96687-21

In the matter of: 107, 3532 DOWNPATRICK ROAD
OTTAWA ON K1V8T4

Between:	Paramount Property Management Inc.	Landlord
	and	
	David Pelletier Scott Pelletier	Tenants

Paramount Property Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict David Pelletier and Scott Pelletier (the 'Tenants') because

L1 Application

- a) based on arrears of rent owing

L2 Application

- b) they have been persistently late in paying their rent.

The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard via video/teleconference on October 7, 2021.

Only the Landlord's Legal Representative Allan Kouri attended the hearing. As of 11:00 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

Relating to the L1 Application

1. The Landlord served a Notice of Termination because the Tenant had not paid the total rent the Tenant was required to pay.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The monthly lawful rent is \$912.69.
4. The Landlord's Legal Representative advise that the Tenant paid all the rent that is in arrears under the tenancy agreement, and all rent that would have been due to be paid by the Tenant for the period up to September 30, 2021.
5. As payment in full was made, there is no reasonable cause of action to proceed on the Landlord's L1 application for arrears owing. The Landlord's Representative requested the L1 application be discontinued to the end of September 30, 2021.

Relating to the L2 Application

6. The Landlord's Representative submitted an updated rent payment ledger documenting that the Tenants have for an extended period of time paid their monthly rent late.
7. The rent payment ledger records that the Tenants have paid rent persistently late 12 times over the last 12 month rent period. I was satisfied that the Tenants paid rent persistently late.
8. The Landlord's Legal Representative advised that the Landlord is not seeking to terminate the tenancy and requested a conditional pay on time order pursuant to section 78 of the Act.
9. The Tenants did not attend the hearing to make submissions.

It is ordered that:

1. The Landlord's L1 application is dismissed as discontinued.
2. The Tenants shall pay their lawful monthly rent to the Landlord on or before the (1st) business day each and every month for the next twelve (12) months commencing November 1, 2021 through to and including October 1, 2022.
3. If the Tenants fail to make any one of the payments set out in paragraph 2 above, in full and on the due date, the Landlord may apply under section 78 of the Residential Tenancies Act, 2006, without notice to the Tenants for an order terminating the tenancy and evicting the Tenants The Landlord must make this application no later than 30 days after the Tenants failure to make any payment.
4. The Tenants shall also pay to the Landlord the \$201.00 cost for the Landlord's application filing fee on or before October 30, 2021.
5. If the Tenants do not pay the Landlord the full amount owing on or before October 30, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 31, 2021 at 2.00% annually on the balance outstanding.



Randy Aulbrook
Member, Landlord and Tenant Board

October 12, 2021
Date Issued

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.