



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-08273-20

In the matter of: 29 CLARK STREET
COLLINGWOOD ON L9Y0H9

Between: Daniel Fixler Landlords
Massya Fixler

and

Kerri Fisher Tenants
Ryan King

Daniel Fixler (DF) and Massya Fixler (the 'Landlords') applied for an order to terminate the tenancy and evict Ryan King and Kerri Fisher (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 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 Landlords or another tenant. The Landlords have also applied for an order requiring the Tenants to compensate the Landlords for the damage. The Landlords also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by tele/videoconference on June 7, 2021.

Only DF, on behalf of both Landlords, and the Landlord's legal representative, Elina Vasilieva, attended the hearing. As of 9:57 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. There was insufficient evidence presented at the hearing to establish the extent or cost to repair the damage to the grass in the yard. As such, the portions of the application pertaining to damage are dismissed.
2. I am satisfied, based on the uncontested evidence before me, that the Tenants left garbage and possessions in the yard and driveway, that the municipality received a complaint and engaged with the Landlord with respect to this issue, and that the Tenants did not rectify this issue within the seven day voiding period.

3. I am also satisfied that the Tenants' conduct has substantially interfered with the Landlords' reasonable enjoyment of the residential complex.
4. Having said that, the Landlords' evidence showed that the Tenants do not currently have excessive garbage or possessions in the yard or driveway.
5. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the current COVID-19 pandemic, and find that it would not be unfair to grant relief from eviction subject to the condition(s) set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

It is ordered that:

1. The Tenants shall not permit garbage or possessions to accumulate in the yard or driveway commencing July 1, 2021.
2. If the Tenants fail to comply with paragraph one above, the Landlord may apply under section 78 of the Act, within 30 days of the breach and without notice to the Tenants, for an order terminating the tenancy and evicting the Tenants.
3. The Tenants shall pay to the Landlords \$186.00 for the cost of filing the application.
4. If the Tenants do not pay the Landlords the full amount owing on or before June 29, 2021, they will start to owe interest. This will be simple interest calculated from June 30, 2021 at 2.00% annually on the balance outstanding.



Richard Ferriss
Member, Landlord and Tenant Board

June 18, 2021
Date Issued

Head Office
777 Bay Street, 12th Floor
Toronto Ontario M5G2E5

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