



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-48562-21

In the matter of: 116, 695 WALLACE STREET
WALLACEBURG ON N8A4X9

Between: 695 Wallace Street Holdings Corp. Landlord

and

April Vernette Tenant

695 Wallace Street Holdings Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict April Vernette (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on August 9, 2021.

Only the Landlord's Legal Representative, Francisco Gomez, attended the hearing. As of 1:43 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. Based on the particulars contained in the N8 Notice of Eviction served to the Tenant on January 31, 2021, I find that from January 2020 to January 31, 2021, the Tenant was late paying their rent every month of the 13-month period.
2. The Landlord collected a rent deposit of \$550.00 from the Tenant and this deposit is still being held by the Landlord.
3. Interest on the rent deposit is owing to the Tenant for the period from July 1, 2007 to March 31, 2021
4. The Landlord's Legal Representative advised that the Tenant has not paid on time the last 8 months and has not paid any rent since April 2021. The Landlord is seeking termination of the tenancy because based on the past 21 months, it is unlikely the Tenant's behaviour will change. Further, the constant late payments and or no payments being made is a great hardship to the Landlord.
5. Having considered the Landlord's Legal Representative's request and all of the disclosed circumstances, in accordance with subsection 83(2) of the *Residential Tenancies Act*,

2006 (the 'Act'), I 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. The Tenant has not shown any good faith to pay the rent on time.

6. This order contains all the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated, as of October 4, 2021. The Tenant must move out of the rental unit on or before October 4, 2021.
2. If the unit is not vacated on or before October 4, 2021, the Tenant shall also pay to the Landlord \$25.10 per day for compensation for the use of the unit from October 5, 2021 to the date the landlord receives vacant possession.
3. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing on or before October 4, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 5, 2021 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before October 4, 2021, then starting October 5, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 October 5, 2021.

September 23, 2021
Date Issued



Diane Wade
Member, Landlord and Tenant Board

South West-RO
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London ON N6A5N6

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 April 5, 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.