



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

**File Number:** TNL-27402-20

**In the matter of:** BASEMENT, 48 NORTON AVENUE  
NORTH YORK ON M2N4A3

**Between:** Se Chai (Sam) Lee Landlord

**and**

Hyun Kyung Yoo Tenants  
Jun Woo Kim  
Kyung Min Kim  
Sung Kwon Kim

Se Chai (Sam) Lee (the 'Landlord') applied for an order to terminate the tenancy and evict Kyung Min Kim, Sung Kwon Kim, Hyun Kyung Yoo and Jun Woo Kim (the 'Tenants') 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 in a residential complex that has three or fewer residential units. The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on May 28, 2021. The Landlord and the Landlord's Representative, Julie Hars, attended the hearing. the third named Tenant and the fourth named Tenant attended the hearing.

**Determinations:**

1. The Tenants have allowed their dogs to urinate inside the home. I say this because the Landlord uncontradicted testimony is that he can smell the urine coming from the Tenants unit. The Tenant, Kung Min Kim, also testified that the dogs urinate inside the house on designated pee pads when she is away.
2. This conduct has substantially interfered with the Landlord's reasonable enjoyment of the residential complex.
3. 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 not be unfair to postpone the eviction until August 31, 2021 pursuant to subsection 83(1)(b) of the Act.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated, as of August 31, 2021. The Tenants must move out of the rental unit on or before August 31, 2021.
2. The Tenants shall also pay to the Landlord \$42.74 per day for compensation for the use of the unit from Sept 1, 2021 to the date they move out of the unit.
3. If the unit is not vacated on or before August 31, 2021, then starting September 1, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. 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 1, 2021.
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 August 31, 2021, they will start to owe interest. This will be simple interest calculated from September 1, 2021 at 2.00% annually on the balance outstanding.

2021 CanLII 111638 (ON LTB)

**July 2, 2021**  
**Date Issued**



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Khalid Akram  
Member, Landlord and Tenant Board

Toronto North-RO  
47 Sheppard Avenue East, Suite 700, 7th Floor  
Toronto ON M2N5X5

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 March 1, 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.