



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-54009-21

In the matter of: 205, 88 OAKVILLE AVENUE
LONDON ON N5V2S7

Between: Amiraco Properties Inc. Landlord

and

Alex Earnest Tenant

Amiraco Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Alex Earnest (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 way of video conference on October 25, 2021. Only the Landlord's representative Corrie Sanford attended the hearing.

Determinations:

1. The Landlord's L2 application is based on an N8 notice of termination served to the Tenant on August 13, 2021 with a termination date of October 31, 2021.
2. As plead on the N8 notice, the monthly rent is due on the first of each month and the Tenant has failed to pay their rent in full and on time 12 out of 12 times from September 2020 – August 2021.
3. Since serving the N8 notice the Tenant has failed to pay their rent in full and on time for the months of September and October 2021.
4. Based on the uncontested evidence, I am satisfied that the Tenant has persistently failed to pay the rent on the date it was due.
5. The Landlord is not seeking a termination of tenancy, but rather an order requiring the Tenant to pay their rent on time for a period of 12 months commencing December 1, 2021.
6. The Landlord is seeking reimbursement for the \$186.00 application filing fee.

7. 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 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 Tenant shall pay to the Landlord the lawful monthly rent as it comes due in full and no later than the first day of each month commencing December 2021 through to November 2022.
2. The Tenant shall also pay the Landlord's \$186.00 application filing fee on or before November 30, 2021.
3. If the Tenant fails to make any one of the payments in accordance with paragraph 1 of this order, the Landlord may, without notice to the Tenant and within 30 days of the breach, apply to the Board pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant
4. If the Tenant does not pay the Landlord the full amount in accordance with paragraph 2, the Tenants will start to owe interest. This will be simple interest calculated from December 1, 2021 at 2.00% annually on the balance outstanding.

November 4, 2021
Date Issued



Fabio Quattrociochi
Member, Landlord and Tenant Board

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

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