



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-07418-20

In the matter of: 306, 700 GARIBALDI AVENUE
LONDON ON N5X0N3

Between: 11558595 Canada Inc

Landlord

and

Alex Matti

Tenant

11558595 Canada Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Alex Matti (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

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

Only the Landlord's legal representative, Stephanie Lauersen, attended the hearing. As of 10:56 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board. Susan McNeil (SM) attended the hearing as a witness for the Landlord.

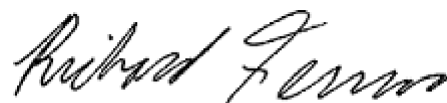
Determinations:

1. Based on the uncontradicted testimony of SM, I find that the Tenant has continued to smoke cannabis inside the rental unit on an ongoing basis contrary to the terms of the rental agreement. The cannabis smoke can be smelt inside the rental unit and in the hallway of the residential complex. This was noted on April 23, 2020 which means the Tenant did not void the notice of termination within the 7 day voiding period.
2. This conduct has substantially interfered with the Landlord's and the other tenants' reasonable enjoyment of the residential complex.
3. The Landlord collected a rent deposit of \$1,383.26 from the Tenant and this deposit is still being held by the Landlord.
4. Interest on the rent deposit is owing to the Tenant for the period from January 1, 2020 to May 15, 2020.

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 ongoing COVID-19 pandemic, and find that it would not be unfair to postpone the eviction until June 30, 2021 pursuant to subsection 83(1)(b) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated, as of May 15, 2020. The Tenant must move out of the rental unit on or before June 30, 2021.
2. The Tenant shall pay to the Landlord \$16,884.65, which represents compensation for the use of the unit from May 16, 2020 to June 10, 2021, less the rent deposit and interest the Landlord owes on the rent deposit. Any amount the Tenant has paid towards this period shall be credited towards this amount.
3. The Tenant shall also pay to the Landlord \$46.75 per day for compensation for the use of the unit from June 11, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$175.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before June 30, 2021, the Tenant will start to owe interest. This will be simple interest calculated from July 1, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before June 30, 2021, then starting July 1, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. 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 July 1, 2021.



Richard Ferriss
Member, Landlord and Tenant Board

June 10, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on January 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.