



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

**File Number:** TEL-18756-21

**In the matter of:** 10 MILHAM DRIVE (BASEMENT APT.) DRIVE E  
AJAX ON L1S7S1

**Between:** Hina Setia Landlords  
Sagar Setia

**and**

Karen Mourant Tenants  
Paige Toye  
Rhonda Toye

Hina Setia and Sagar Setia (the 'Landlords') applied for an order to terminate the tenancy and evict Paige Toye, Rhonda Toye and Karen Mourant (the 'Tenants') because they, another occupant of the rental unit or a person the Tenants permitted in the residential complex have seriously impaired the safety of any person. The Landlords also claimed compensation for each day the Tenants remained in the unit after the termination date as well as NSF cheque charges.

This application was heard in video conference room 104 on November 4, 2021.

The Landlords' representative, S. Kapoor, and the Tenant K. Mourant attended the hearing.

**Determinations:**

1. The Landlords' request to adjourn the hearing was denied. The Landlords' explanation for not attending the hearing because they were attending work is inadequate. Parties to an application are required to attend on the hearing date set by the Board.
2. The Landlords' Form N7 notice of termination alleges serious impairments of safety related to second-hand tobacco smoke and one event of alleged intoxication at the residential complex. These activities do not represent serious impairments of safety sufficient to terminate a tenancy under subsection 66(1) of the *Residential Tenancies Act, 2006* (the 'Act').
3. The Landlords' application shall therefore be dismissed. The Landlords may, however, serve a new notice of termination under the correct section of the Act.

**It is ordered that:**

1. The Landlords' application is dismissed.



**November 17, 2021**

**Date Issued**

Toronto East-RO  
2275 Midland Avenue, Unit 2  
Toronto ON M1P3E7

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Harry Cho  
Member, Landlord and Tenant Board

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