



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-53053-21

In the matter of: 1, 2 JOHN STREET
ST. THOMAS ON N5P2X3

Between: Yolland Thibeault Landlord

and

Felicity Lee Garner Tenant

Yolland Thibeault (the 'Landlord') applied for an order to terminate the tenancy and evict Felicity Lee Garner (the 'Tenant') because the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex substantially interfered with the reasonable enjoyment of the residential complex or another 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 videoconference on October 18, 2021. Only the Landlord's Legal Representative, Susana Pereira, the Landlord's Agent, JP Miller ('JM'), attended the hearing. As of 10:35 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. JM testified that she is the Property Manager of the residential complex. The Tenant constantly leaves garbage outside the rental complex on "non-garbage" days. Amongst other items, the garbage consists of soiled diapers and food waste. This attracts bees and other pests. This occurs 3 to 4 times a week.
2. JM also testified that the Tenant constantly lights fires underneath the window of another tenant in the residential complex. The smoke from the fires goes into the other tenant's unit. The Landlord has received multiple complaints from the other tenant regarding the fires and the garbage. JM has personally witnessed the fires and has tried talking to the Tenant about her behaviour. However, the Tenant has not been responsive.
3. Based on the uncontested evidence, I am satisfied that the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex substantially interfered with the reasonable enjoyment of the residential complex or another lawful right, privilege or interest of the Landlord or another tenant.

4. The Landlord collected a rent deposit of \$1,000.00 from the Tenant and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenant for the period from October 1, 2019 to July 27, 2021
6. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
7. Tenant's offending behaviour continues despite receiving the notices of termination from the Landlord. The evidence suggests that the Tenant has no regard for others affected by her actions.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated, as of November 15, 2021. The Tenant must move out of the rental unit on or before November 15, 2021.
2. The Tenant shall pay to the Landlord \$2,265.12, which represents compensation for the use of the unit from July 28, 2021 to November 4, 2021, less the rent deposit and interest the Landlord owes on the rent deposit. If the Tenant paid rent to the Landlord during this time period, those payments shall be deducted from the amount owing in this order.
3. The Tenant shall also pay to the Landlord \$32.88 per day for compensation for the use of the unit from November 5, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before November 15, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 16, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before November 15, 2021, then starting November 16, 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 November 16, 2021.

November 4, 2021
Date Issued

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



Khalid Akram
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.