

Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-56267-16

In the matter of: BACHELOR APT, 26 COLLETE CRESCENT
BARRIE ON L4M2Z2

Between: Ralph Della Croce *I certify this is a true copy of the Order/Report.* Landlord

and

Madison McMullen *Dated: 08 06 2016 Moita Chacha Landlord and Tenant Board* Tenant

Ralph Della Croce (the 'Landlord') filed a request to re-open the Landlord's application because Madison McMullen (the 'Tenant') did not comply with the terms of their mediated settlement dated April 14, 2016.

This request was heard in Barrie on June 2, 2016.

Only the Landlord attended the hearing.

Determinations:

1. The Tenant did not hire/use a qualified professional to complete the repairs to the bathroom door and holes in the wall ; the damaged areas have not been restored to at least the same condition as they were before the damage occurred; and the Tenant continued to smoke marijuana in the rental unit as agreed to in the mediated settlement. Since the Tenant did not comply with the terms of the mediated agreement, the Landlord's request to re-open the application is allowed.
2. The Tenant or an occupant of the rental unit or a person permitted in the residential complex by the Tenant has wilfully or negligently caused undue damage to the bathroom door and walls in the rental unit.
3. The Landlord will incur costs of \$365.00 to repair the damage and/or replace property that was damaged and cannot be reasonably repaired.
4. I was not satisfied that the Tenant continued to smoke marijuana in the rental unit during the seven day remedy period following the receipt of the N5 notice of termination. Therefore, I did not consider any evidence regarding this issue as a substantial interference with the reasonable enjoyment of the residential complex by another tenant.

5. 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.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated, as of June 19, 2016. The Tenant must move out of the rental unit on or before June 19, 2016.
2. The Tenant shall pay to the Landlord \$365.00, which represents the reasonable costs of repairing the damage and/or replacing the damaged property.
3. The Tenant shall also pay to the Landlord \$170.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing on or before June 19, 2016, the Tenant will start to owe interest. This will be simple interest calculated from June 20, 2016 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before June 19, 2016, then starting June 20, 2016, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 June 20, 2016.

June 8, 2016
Date Issued

Lisa Del Vecchio
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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 December 20, 2016 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.