



Order under Section 69
Residential Tenancies Act, 2006

File Number: TSL-19525-21

In the matter of: 3, 462 HORNER AVENUE
ETOBICOKE ON M8W2B5

Between: Charles Gerditschke

Landlord

and

Angelica Donato

Tenant

**I hereby certify this is a
true copy of an Order dated**

May 26, 2021

Landlord and Tenant Board

Charles Gerditschke (the 'Landlord') applied for an order to terminate the tenancy and evict Angelica Donato (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 at 9:00 a.m. on May 18, 2021. Only the Landlord attended the hearing. As of 9:41 a.m., the Tenant was not present or represented at the hearing although properly served notice by the Board. The matter proceeded uncontested and the hearing was completed, and the Landlord was dismissed. At 10:07 a.m., Member Wells admitted the Tenant into the hearing room, while another matter was being heard. At 10:16 a.m., Member Wells called the Tenant, and she did not respond nor identify herself and no longer appeared to be in the hearing room.

Determinations:

1. This is a month to month tenancy. Rent is due on the 1st of the month.
2. The Tenant is in possession of the rental unit.
3. The Landlord provided submissions at the hearing of orders issued from the Board from March 27th, 2019 (File # TSL-02824-19), February 12th, 2020 (File # TSL-12571-19) and September 4th, 2020 (File # TSL-14946-20).
4. The Landlord testified that each time the Tenant received a voidable order she has successfully voided the order and returned to paying her rent late again.

5. The Landlord served the Tenant with an N8 Notice of Termination for persistent late payment of rent on October 26th, 2020. He testified that after he had served the notice, the Tenant continued to pay her rent late. the Tenant has paid the rent late 5 out of the last 5 months for the period of January 2021 to May 2021.
6. Based on the uncontested evidence before me, I am satisfied that the Tenant has a pattern of persistent late rent payments.
7. The Landlord collected a rent deposit of \$1,235.85 from the Tenant and this deposit is still being held by the Landlord.
8. Interest on the rent deposit is owing to the Tenant for the period from April 1, 2020 to December 31, 2020.
9. 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. The Landlord was not aware of any circumstances for which relief ought to be granted.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated, as of June 6th, 2021. The Tenant must move out of the rental unit on or before June 6, 2021.
2. The Tenant shall pay to the Landlord \$4,675.64, which represents compensation for the use of the unit from January 1, 2021 to May 26, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Landlord must apply any rent paid by the Tenant from January 1, 2021 to May 26, 2021, against the balance due.
4. The Tenant shall also pay to the Landlord \$40.63 per day for compensation for the use of the unit from May 27, 2021 to the date the Tenant moves out of the unit.
5. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. If the Tenant does not pay the Landlord the full amount owing on or before June 6, 2021, the Tenant will start to owe interest. This will be simple interest calculated from June 7, 2021 at 2.00% annually on the balance outstanding.
7. If the unit is not vacated on or before June 6, 2021, then starting June 7, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 7, 2021.

May 26, 2021
Date Issued



Trish Carson
Member, Landlord and Tenant Board



Kathleen Wells
Member, Landlord and Tenant Board

Toronto South-RO
15 Grosvenor Street, 1st Floor
Toronto ON M7A 2G6

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 7, 2021 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.

The order terminates and permits the Landlord to file the order with the Court Enforcement Office (Sheriff) to evict the Tenant. However, as of the date this order was issued, the Sheriff cannot enforce this order as a result of Ontario Regulation 266/21 made under the Emergency and Civil Protection Act. The tenant cannot be evicted from the rental while this regulation is in force. Eviction by the Sheriff may occur after this regulation is removed by the Ontario Government.