



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

Citation: Oxford Properties Group v Singh, 2024 ONLTB 60534

Date: 2024-08-21

File Number: LTB-L-019756-24

In the matter of: 211, 440 MCMURCHY AVE S
BRAMPTON ON L6Y2N5

Between: Oxford Properties Group Landlord

And

Supreet Singh Tenant
Gazal Joshi

Oxford Properties Group (the 'Landlord') applied for an order to terminate the tenancy and evict Supreet Singh and Gazal Joshi (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 videoconference on August 8, 2024.

The Landlord's representative Faith McGregor and the Tenant attended the hearing.

As of **11:47 a.m.** the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

It is determined that:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, an eviction order is granted.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On February 29, 2024, the Landlord served the Tenant an N8 notice of termination (the "N8") with a date of termination of May 31, 2024, alleging the Tenant was persistently late paying rent.
4. The rent is due on the 1st day of each month.

5. The Landlord's representative provided a ledger showing that every month from March 2023 to November 2023 the rent was not paid in full on the 1st of each month. The rent was paid late 10 times in the previous 12 months prior to the N8 being served.
6. After the N8 was served the rent was not paid and has not been paid up to the date of the hearing.
7. The Landlord requested consent of the Board to withdraw their claim for daily compensation. That request was granted.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$2,334.86 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$35.34 is owing to the Tenant for the period from January 1, 2024 to August 8, 2024.
10. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.
11. 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 Tenant did not attend the hearing.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before September 1, 2024.
2. If the unit is not vacated on or before September 1, 2024, then starting September 2, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 September 2, 2024.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
5. The Landlord owes \$2,370.20 which is the amount of the rent deposit and interest on the rent deposit, and if the Landlord has not already done so, this is deducted from the amount owing by the Tenant.
6. As of the date of the hearing, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the amount the Landlord is entitled to by \$2,184.20.

7. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

August 21, 2024

Date Issued

Julie Broderick

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground 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 of the Tenant expires on March 2, 2025 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.