



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

Citation: New Hope Non-Profit Dwellings (Durham) Inc. v White, 2023 ONLTB 81595

Date: 2023-12-20

File Number:
LTB-L-034305-23

In the matter of: 309, 139 MARY ST N OSHAWA
ON L1G7X1

Between: New Hope Non-Profit Dwellings (Durham) Inc. Landlord

And

Brittney White Tenant

New Hope Non-Profit Dwellings (Durham) Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Brittney White (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

This application was heard by videoconference on October 31, 2023. Only the Landlord's agent, C. Carty, and the Landlord's legal representative, L. Corsetti attended the hearing.

As of 9:30 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.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the application is granted and the Landlord is entitled to an eviction order.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On April 5, 2023, the Landlord gave the Tenant an N5 notice of termination by mail. The notice was therefore deemed served April 10, 2023. The notice of termination contains in part, the following allegations:
 - On March 22, 2023, the Tenant was seen in the building of the residential complex, holding a sharp object. Police were called as the Tenant alleges that she was locked out of the rental unit by her guests.
 - On February 5, 2023 at 11:24 a.m., the Landlord received a complaint that a guest of the Tenant was sleeping in the garbage room on the 3rd floor of the residential complex.
 - On February 15, 2023 at 10:44 p.m., the Landlord received a complaint that a guest of the Tenant was sitting in the hallway in front of the Tenant's unit.
4. The Tenant did not stop the conduct or activity or correct the omission within seven days after receiving the N5 notice of termination. The specific voiding dates were between April 11, 2023 to April 17, 2023. The Landlord received complaints from Tenants regarding similar behaviour as alleged in the N5 notice of termination on April 11, 2023, and continued into the months of June, July 2023. Therefore, the Tenant did not void the N5 notice of termination in accordance with s.64(3) of the *Residential Tenancies Act, 2006* (Act).
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. There is no last month's rent deposit.

Relief from Eviction:

7. As noted, the Tenant did not attend the hearing of this matter and thus I did not have the opportunity to hear their evidence regarding their circumstances. or to dispute the Landlord's application for an eviction order.
8. 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 not be unfair to postpone the eviction until January 5, 2024 pursuant to subsection 83(1)(b) of the Act.
9. Although the Tenant did not attend the hearing, due to the upcoming holiday season- I find a short postponement of eviction to be reasonable in the circumstances. The extension of time is no so unreasonable that it shall severely prejudice the Landlord.

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 January 5, 2024.
2. If the unit is not vacated on or before January 5, 2024, then starting January 6, 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 January 6, 2024.
4. The Tenant shall 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 January 5, 2024, the Tenant will start to owe interest. This will be simple interest calculated from January 6, 2024 at 7.00% annually on the balance outstanding.

December 20, 2023**Date Issued**

Curtis Begg

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 July 6, 2024 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.