



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

Citation: Better Living Homes Inc. v Reece, 2023 ONLTB 78989

Date: 2023-12-07

File Number: LTB-L-029848-22

In the matter of: 805, 126 BELLAMY RD N
SCARBOROUGH ON M1J2L1

Between: Better Living Homes Inc. Landlord

And

Stephanie Reece Tenants
Raymond Samuels

Better Living Homes Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Stephanie Reece and Raymond Samuels (the 'Tenants') because:

- the Tenants have been persistently late in paying the Tenants rent.

The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on April 6, 2023.

The Landlord's representative Mark Ciobotaru and the Tenants attended the hearing.

Determinations:

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, I will decide if this application will be a non voidable termination or a conditional order the Tenant must follow.
2. The Tenants was in possession of the rental unit on the date the application was filed.
3. On May 11, 2022, the Landlord gave the Tenants an N8 notice of termination deemed served on May 11, 2023. The notice of termination contains the following allegations:
 - the Tenants have been persistently late in paying the Tenants rent.

4. The Tenants have persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month. The rent has been paid late the last 7 consecutive months before the notice(N8) was given to the Tenants.

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5. The Tenants have made minimal payments since the notice was served and the Tenants have been late a total of 10 times since they have been severed with the N8 notice of termination.
6. Since the hearing date the outstanding rental arrears the Tenants owe to the Landlord's has climbed to \$5,722.72 to the date of the hearing.
7. The Tenants was required to pay the Landlord \$8,212.50 in daily compensation for use and occupation of the rental unit for the period from August 1, 2022 to April 6, 2023.
8. Based on the Monthly rent, the daily compensation is \$32.98. This amount is calculated as follows: \$1,003.20 x 12, divided by 365 days.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$867.98 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$0.00 is owing to the Tenants for the period from January 1, 2021.
11. In accordance with subsection 106(10) of the *Residential Tenancies Act, 2006*, (the 'Act') the last month's rent deposit shall be applied to the rent for the last month of the tenancy.
12. 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 any further relief from eviction pursuant to subsection 83(1) of the Act. The Tenants were unable to provide evidence they would be able to pay the lawful monthly rent in full and on time over an extended period of time. In addition, the Tenants did not act in good faith, by appearing before the Board with outstanding rental arrears of upwards of \$5,000.

It is ordered that:

1. The Tenants shall pay to the Landlord \$8,212.50, which represents compensation for the use of the unit from August 1, 2022 to April 6, 2023.

2. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
3. The Landlord owes \$867.98 which is the amount of the rent deposit and interest on the rent deposit, and this is deducted from the amount owing by the Tenants.
4. The total amount the Tenants owe the Landlord is \$7,530.52.

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5. If the Tenants do not pay the Landlord the full amount owing on or before December 18, 2023, the Tenants will start to owe interest. This will be simple interest calculated from December 19, 2023 at 7.00% annually on the balance outstanding.

December 7, 2023

Date Issued

André-Paul Baillargeon-Smith

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 Tenants expires on June 19, 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.

