



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

Citation: L.I.U.N.A Non-Profit Housing Corp. v Umutoni, 2023 ONLTB 67601

Date: 2023-10-17

File Number: LTB-L-010604-23

In the matter of: 1005, 248 BRITTANY DR
OTTAWA ON K1K4R2

Between: L.I.U.N.A Non-Profit Housing Corp. Landlord

And

Josianne Umutoni Tenant

L.I.U.N.A Non-Profit Housing Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Josianne Umutoni (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on October 3, 2023. Only the Landlord's legal representative Trevor Jacquard attended the hearing. As of 9:36am, 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.
2. The Landlord's application is based on a N8 notice of termination served to the Tenant on January 17, 2023 with a termination date of March 31, 2023. The N8 notice asserts that the Tenant has been persistently late in paying the rent.
3. The rent is due and payable on the first day of each month.
4. The N8 notice alleges that from September 2022 to January 2023 the Tenant paid the monthly rent late each month.
5. Since the N8 notice was served, the Tenant has also failed to pay the lawful monthly rent in full and on time each month for the period of February 2023 to October 2023.

6. 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 October 31 2023 pursuant to subsection 83(1)(b) of the Act.

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7. The Tenant was not present at the hearing to dispute the Landlord's evidence or to give evidence that the conduct would be corrected going forward.

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 October 31, 2023.
2. If the unit is not vacated on or before October 31, 2023, then starting November 1, 2023, 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 November 1, 2023.
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 October 31, 2023, the Tenant will start to owe interest. This will be simple interest calculated from November 1, 2023 at 7.00% annually on the balance outstanding.

October 17, 2023

Date Issued

Fabio Quattrociocchi
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 May 1, 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.