



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

Citation: Victoria Park Community Homes v Wanchaloem Longchampa, 2023 ONLTB 41064

Date: 2023-06-21

File Number: LTB-L-049175-22

In the matter of: 2309, 151 QUEEN ST N
HAMILTON ON L8R2V7

Between: Victoria Park Community Homes

Landlord

And

Loday Sripapar
Somphio Longchampa
Wanchaloem Longchampa

Tenants

Victoria Park Community Homes (the 'Landlord') applied for an order to terminate the tenancy and evict Loday Sripapar, Somphio Longchampa and Wanchaloem Longchampa (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 May 15, 2023.

Only the Landlord's representative, Karolina Aguiar attended the hearing.

As of 10:51 a.m., the Tenants were 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 and/or the claim for compensation in the application. Therefore, the application is granted, and the tenancy shall terminate.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. On August 11, 2022, the Landlord gave the Tenants an N8 notice of termination. The notice of termination alleges the Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the first day of each month. The rent has been paid late 6 times during the period March 2022 to August 2022.

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4. The Landlord's representative testified that since the application was filed, the rent has been paid late 9 times during the period September 2022 to May 2023.
5. On the basis of the Landlord's uncontested evidence, I find that the Tenants have persistently paid the rent late.
6. It was the Landlord's evidence that the Tenants are up to date with the rent. Therefore, no daily compensation shall be awarded starting June 1, 2023.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs. The application filing fee has been paid by the Tenants.
8. The Landlord collected a rent deposit of \$897.04 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$21.25 is owing to the Tenants for the period from January 1, 2021 to May 15, 2023.
9. 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.

Relief from Eviction

10. 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.
11. The Tenants did not attend the hearing of this matter and thus I did not have the opportunity to hear their evidence regarding their circumstances.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before July 2, 2023.
2. As of the June 1, 2023, the amount the Landlord owes the Tenant is \$875.79 this represents the last month rent deposit and the interest owing on the deposit. The Landlord is authorized to deduct from the amount \$ 186. 00 for the application filing fee and \$30.21 in daily compensation starting on June 1, 2023 and continuing each day until the Tenant until the date the Tenant moves out of the unit.
3. If the unit is not vacated on or before July 2, 2023, then starting July 3, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. 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 July 3, 2023.

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June 21, 2023

Date Issued

Camille Clyne

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 December 19, 2023 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.

