



**Tribunals Ontario**  
Landlord and Tenant Board

**Tribunaux décisionnels Ontario**  
Commission de la location immobilière

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

**Citation:** Michael Li v Michelle Jackson, 2023 ONLTB 39171

**Date:** 2023-06-15

**File Number:** LTB-L-057072-22

**In the matter of:** 348 Dufferin Ave  
Belleville Ontario K8N3X8

**Between:** Michael Li Landlord

**And**

Lee Ramsarran Tenant  
Michelle Jackson

Michael Li (the 'Landlord') applied for an order to terminate the tenancy and evict Lee Ramsarran and Michelle Jackson (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on May 15, 2023.

Only the Landlord attended the hearing.

As of 10:50am, 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. The Landlord applied for an order to terminate the tenancy and evict the Tenants because the Tenant persistently failed to pay rent when it was due. The Landlord served on the Tenants an N8 notice on June 23, 2022 to terminate on August 31, 2022.

2. Rent is due on the first of each month.
3. As per the N8 Notice, the Tenants had not paid rent on time by the first day of the month starting from October 01, 2021 to June 01, 2022.
4. The Landlord testified that he has spoken to the Tenant on several occasions regarding late payment of rent and submitted as evidence to the Board a payment ledger, which shows that the Tenant had persistently paid the rent late from July 01, 2022 to Feb 01, 2023.
5. Based on the Landlord's uncontested evidence, I am satisfied that the Tenant has persistently failed to pay the rent on the date it was due.
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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
7. The evidence shows that the Tenants were late every month until February 2023 after the notice was served. The Tenants were not present to disclose any circumstances for me to consider delaying or denying eviction. As such, relief will not be granted.

**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 June 26, 2023.
2. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
3. The Tenant shall also pay to the Landlord \$201.00 for the cost of filing the application.
4. If the unit is not vacated on or before June 26, 2023, then starting June 27, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
5. 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 June 27, 2023.
6. If the Tenant does not pay the Landlord the full amount owing on or before June 26, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 27, 2023 at 6.00% annually on the balance outstanding.

**June 15, 2023**

**Date Issued**

Percy Laryea

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 December 27, 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.