



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

Citation: Mary Mancini v Debbie Mulvihill, 2023 ONLTB 42649

Date: 2023-06-13

File Number: LTB-L-075056-22 &
LTB-L-058464-22

In the matter of: 20, 23 Mississauga Avenue
Elliot Lake Ontario P5A1E1

Between: Mary Mancini Landlord

And

Debbie Mulvihill Tenants
Richard Crymer

Mary Mancini (the 'Landlord') applied for an order to terminate the tenancy and evict Debbie Mulvihill and Richard Crymer (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlord also applied for an order to terminate the tenancy and evict the Tenants because the Tenants:

- 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 April 19, 2023.

Only the Landlord attended the hearing.

As of 10:00 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:**L2 Application:**

1. The Landlord served the Tenants with an N5 notice of termination, and on the form she ticked the box alleging that the Tenants' behaviour had caused a substantial interference with the reasonable enjoyment or the lawful right, privilege, or interest of the Landlord or another tenant. However, in the area of the form where the Landlord is required to give reasons and details, the Landlord did not allege anything that constitutes a substantial

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interference, nor were the allegations detailed enough for the Tenants to understand what action they could take in order to void the notice of termination.

2. The Landlord also alleged that she was out of pocket by \$401.00 because of the Tenants' behaviour that caused a substantial interference. However, she did not provide any details for that amount either.
3. I determined that the Landlord's N5 notice of termination was not valid, as it did not provide sufficient reasons and details as required by subsection 43(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and it did not establish even a *prime facie* case of a substantial interference.
4. The Landlord's L2 application was, accordingly dismissed.

L1 Application:

5. The Landlord did not file a certificate of service for the N4 notice of termination with her application, as required by the Board's Rules of Procedure, Rules 4.4 and 4.5. The Landlord provided an email proving service, which she testified had accompanied her N4 notice of termination. However, the Landlord did not have any evidence that the Tenants had agreed to receive documents from the Landlord by email, as required by the Board's Rule 3.1(h).
6. I informed the Landlord that any order for arrears would not permit the Landlord to enforce an eviction, and I explained to her the implications of an order that did not provide her with an opportunity to evict the Tenants.
7. The Landlord opted for an order for arrears only, plus her \$186.00 cost of filing the application.
8. The Landlord seeks an order for the \$1,200.00 arrears owed to her by the Tenants, plus the Landlord's cost of filing the application.

It is ordered that:

1. The Landlord's L2 application is dismissed.
2. The Tenants shall pay the Landlord \$1,386.00.
3. If the Tenants do not pay the Landlord the full amount of \$1,386.00 on or before June 24, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 25, 2023, at 6.00% annually on the balance outstanding.

June 13, 2023

Date Issued

Nancy Morris

Member, Landlord and Tenant Board

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15 Grosvenor Street, Ground Floor,
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.