



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

Citation: 70 Albert Street Holdings Corp v Linda Owusuah, 2023 ONLTB 34575

Date: 2023-05-15

File Number: LTB-L-030712-22

In the matter of: 21, 70 ALBERT ST
CAMBRIDGE ON N1R2R1

Between: 70 Albert Street Holdings Corp Landlord

And

Linda Owusuah Tenant

70 Albert Street Holdings Corp (the 'Landlord') applied for an order to terminate the tenancy and evict Linda Owusuah (the 'Tenant') because:

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

This application was heard by videoconference on April 19, 2023.

Only the Landlord's representative, Kelly Hawkes attended the hearing.

As of 1:09 p.m., 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. Therefore, the application is granted, and the tenancy shall terminate.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On March 18, 2022, the Landlord gave the Tenant an N8 notice of termination. The notice of termination contains alleges that the Tenant paid the rent late for the following months: August 2021, September 2021, November 2021 to February 2022.

4. Since the application was filed in June 2022, the Tenant has paid the rent late for the following months: April 2022- February 2023 and April 2023.
5. I find the Tenant has 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 12 times in the past 12 months.

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6. Based on the Monthly rent, the daily compensation is \$32.44. This amount is calculated as follows: \$986.70 x 12, divided by 365 days.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$975.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$18.98 is owing to the Tenant for the period from January 1, 2021 to April 19, 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.

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 May 26, 2023.
2. If the unit is not vacated on or before May 26, 2023, then starting May 27, 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 May 27, 2023.
4. The Tenant shall also pay the Landlord compensation of \$32.44 per day for the use of the unit starting April 20, 2023 until the date the Tenant moves out of the unit.

5. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
6. If the Tenant does not pay the Landlords the full amount owing on or before May 26, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 27, 2023 at 6.00% annually on the balance outstanding.

May 15, 2023

Date Issued

Camille Clyne

Member, Landlord and Tenant Board

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2023 ONL TB 34575 (CanLII)

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 November 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.