



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

Citation: Vee Two Inc. v Cleland, 2023 ONLTB 37745

Date: 2023-05-12

File Number: LTB-L-014923-22

In the matter of: 2, 1055 RAVINE ROAD
Oshawa ON L1H4C9

Between: Vee Two Inc. and Mohammed Ansari Landlords

And

Angelica Stovin and Colin Cleland Tenants

Vee Two Inc. and Mohammed Ansari (the 'Landlords') applied for an order to terminate the tenancy and evict Angelica Stovin and Colin Cleland (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

The Landlords also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on January 23, 2023. Only Landlord Mohammed Ansari ('MA') and the Landlord's legal representative, Christina Nastas, attended the hearing.

As of 1:36 p.m., the Tenants were not present or represented at the hearing.

Determinations:

1. As explained below, the Landlords have proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy shall terminate on May 23, 2023.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. On January 26, 2022, the Landlords gave the Tenants an N5 notice of termination. The notice of termination contains the following allegations:
 - On January 10, 21, 23, 24, and 25, 2022, the Tenants were smoking substances in the rental unit. The smoke passed through the ducts and affected other tenants.
4. It was the uncontested evidence of the Landlords that the Tenants did not stop the conduct or activity within seven days after receiving the N5 notice of termination. MA testified that on January 27 and 28, 2022, he received emails from a tenant in the residential complex complaining that the Tenants were smoking in the rental unit. MA stated that the Tenants'

2023 ONLTB 37745 (CanLII)

smoking in the rental unit has continued, unabated since the service of the N5. Therefore, the Tenants did not void the N5 notice of termination in accordance with s.64(3) of the *Residential Tenancies Act, 2006*.

5. Based on the monthly rent, the daily compensation is \$46.58. This amount is calculated as follows: \$1,416.80 x 12, divided by 365 days.
6. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Landlords collected a rent deposit of \$1,416.80 from the Tenants and this deposit is still being held by the Landlords. In accordance with subsection 106(10) of the *Residential Tenancies Act, 2006*, the last month's rent deposit shall be applied to the rent for the last month of the tenancy.
8. 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 Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before May 23, 2023.
2. If the unit is not vacated on or before May 23, 2023, then starting May 24, 2023, the Landlords 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 Landlords on or after May 24, 2023.
4. The Tenants shall pay to the Landlords \$186.00 for the cost of filing the application.
5. The Tenants shall also pay to the Landlords \$46.58 per day for compensation for the use of the unit starting May 24, 2023 to the date the Tenants move out of the unit.

May 12, 2023

Date Issued

15 Grosvenor Street, Ground Floor,
Toronto ON M7A 2G6

Debbie Mosaheb

Member, Landlord and Tenant Board

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 expires on November 24, 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.

2023 ONL TB 37745 (CanLII)