



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

**Citation:** KS 700 Bay Street Inc c/o BentallGreenOak (Canada) LP v Rance, 2023 ONLTB 36106

**Date:** 2023-05-09

**File Number:** LTB-L-025463-22

2023 ONLTB 36106 (CanLII)

**In the matter of:** 508, 99 GERRARD ST W TORONTO  
ON M5G0C4

**Between:** KS 700 Bay Street Inc c/o BentallGreenOak (Canada) LP Landlord

**And**

Sherissa Rance Tenant

KS 700 Bay Street Inc c/o BentallGreenOak (Canada) LP (the 'Landlord') applied for an order to terminate the tenancy and evict Sherissa Rance (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on April 4, 2023.

Only the Landlord's representative F. McGregor attended the hearing. As of 9:52am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. As a result, the hearing proceeded with only the Landlord's evidence.

**Determinations:**

1. The Landlord served the Tenant with a Form N8 notice of termination for persistently late payments. The notice was served by mail on April 28, 2022. The Landlord's application was filed in May 2022.
2. I find, on a balance of probabilities, that the Tenant has persistently failed to pay the rent on the date it was due. For the 12 months leading up to the filing of the Landlord's application, rent has been paid late in each of those months.
3. Section 83 requires that I consider all the circumstances, including the Tenant's and the Landlord's situations to determine if it would be appropriate to grant section 83 relief from eviction.
4. The Landlord's representative indicated the tenancy commenced in 2021 and that the Landlord was not made aware of any children living at the rental unit, or any health issues on the part of the Tenant.

5. Further, the Landlord's representative indicated that the Tenant has not made a rent payment since February 2023 and is currently in arrears of rent in excess of \$8,500.00. The Landlord has tried to offer assistance by reaching out to the Tenant in February 2023,

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but the Tenant did not respond. Moreover, the Tenant did not attend the hearing, and thus did not provide any evidence that may be relevant to my determination under s. 83.

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.

**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 31, 2023.
2. If the unit is not vacated on or before May 31, 2023, then starting June 1, 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 June 1, 2023.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application. If the Tenant does not pay the Landlord the full amount owing on or before May 19, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 20, 2023 at 6.00% annually on the balance outstanding.

**May 9, 2023**

**Date Issued**

Peter Nicholson

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 1, 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.