



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

Citation: Basile v Regalado, 2023 ONLTB 30815

Date: 2023-04-12

File Number: LTB-L-008056-22

In the matter of: 60, 101 8TH AVE
ALLISTON ON L9R1B3

Between: James Basile Landlord

And

Jose Regalado Robin Regalado Tenants

James Basile (the 'Landlord') applied for an order to terminate the tenancy and evict Jose Regalado and Robin Regalado (the 'Tenants') because the Tenants have been persistently late in paying the Tenants' rent.

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

This application was heard by videoconference on March 31, 2023.

Only the Landlord 's legal representative, Charmaine Spiteri, attended the hearing.

As of 10:01 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:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy is terminated effective April 23, 2023.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. On January 12, 2022, the Landlord gave the Tenants an N8 notice of termination, deemed served on January 17, 2022.

4. The Tenants have persistently failed to pay the rent on the date it was due. The rent is due on the first day of each month. The Tenants paid the rent late for the months of October, November and December 2021 as well as January 2022, as set out in the N8 Notice.
5. After the N8 Notice was served, the Tenants continued to pay their rent late. Over the past 12 months, the Tenants paid their rent late every month. For some months, including September and December, 2022, they did not pay any rent all.

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6. The Tenants were required to pay the Landlord \$18,000.00 in daily compensation for use and occupation of the rental unit for the period from April 1, 2022 to March 31, 2023. The Landlord is required to deduct from this amount any rent payments the Tenants made during this period.
7. Based on the Monthly rent, the daily compensation is \$49.32. This amount is calculated as follows: \$1,500.00 x 12, divided by 365 days.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.
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. The Tenants did not attend the hearing to present evidence or submissions in support of granting relief from eviction. The Landlord served the Tenants multiple N4 Notices of Termination over the past year to compel payment of rent.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before April 23, 2023.
2. If the unit is not vacated on or before April 23, 2023, then starting April 24, 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 April 24, 2023.
4. The Tenants shall pay to the Landlord \$18,000.00, which represents compensation for the use of the unit from April 1, 2022 to March 31, 2023. The Landlord shall deduct from this amount any rent payments the Tenants made during this period.
5. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.

6. The total amount the Tenants owe the Landlord is \$18,186.00, minus any rent payments the Tenants made from April 1, 2022 to March 31, 2022.
7. The Tenants shall also pay the Landlord compensation of \$49.32 per day for the use of the unit starting April 1, 2023 until the date the Tenants move out of the unit.
8. If the Tenants do not pay the Landlord the full amount owing on or before April 23, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 24, 2023 at 6.00% annually on the balance outstanding.

April 12, 2023

Date Issued

Anna Solomon

Vice Chair, Landlord and Tenant Board

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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 October 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.