



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

Citation: Saucier v Crandall, 2023 ONLTB 21686

Date: 2023-02-27

File Number: LTB-L-016681-22

In the matter of: Unit 1, 2795 Kingsway Boulevard Sudbury
ON P3B2G3

Between: Michael Saucier Landlord

And

Francine Robitaille Tenant
Matthew Crandall

Michael Saucier (the 'Landlord') applied for an order to terminate the tenancy and evict Francine Robitaille and Matthew Crandall (the 'Tenant') because:

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

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

This application was heard by videoconference on February 6, 2023.

Only the Landlord's representative, Debbie Swyer-Burke, attended the hearing.

Determinations:

1. On March 3, 2022, the Landlord gave the Tenant an N8 notice of termination with a termination date of May 31, 2022.
2. The Tenant has persistently failed to pay the lawful rent on the date it was due. At the hearing the Landlord's representative submitted by oral testimony that the Tenants have been persistently late in paying their lawful rent for the months of January 2022 and February 2022. The Landlord's representative also testified the Tenants have paid late or

only partial rent payments for the months of August 2022 up to and including February 2023.

3. The Tenant was required to pay the Landlord \$10,021.30 in daily compensation for use and occupation of the rental unit for the period from June 1, 2022 to February 6, 2023.
4. Based on the Monthly rent, the daily compensation is \$39.93. This amount is calculated as follows: \$1,214.40 x 12, divided by 365 days.

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5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. The Landlord collected a rent deposit of \$1,200.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$61.84 is owing to the Tenant for the period from May 27, 2019 to February 6, 2023 .
7. 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.

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 March 10, 2023.
2. If the unit is not vacated on or before March 10, 2023, then starting March 11, 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 March 11, 2023.
4. The Tenant shall pay to the Landlord \$8,759.45, which represents compensation for the use of the unit from June 1, 2022 to February 6, 2023, less the rent deposit and interest the Landlord owes on the rent deposit.
5. The Tenant shall also pay the Landlord compensation of \$39.93 per day for the use of the unit starting February 7, 2023 until the date the Tenant moves out of the unit.
6. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Residential Tenancies Act, 2006 (the 'Act'), including the impact of COVID-19 on the parties and, including submissions from the [who] that the Tenant does not have young children or any persons with special needs that the Board needs to consider living with

them, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

8. I have considered all of the evidence presented at the hearing and all of the oral testimony and although I may not have referred to each piece of evidence individually or referenced all of the testimony, I have considered it when making my determinations.
9. This order contains all reasons for the determinations and order made. No further reasons will be issued.

February 27, 2023

Date Issued

Greg Brocanier
Member, 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 September 11, 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.

