



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

Citation: 101 Millside Apartments Limited v Rouse, 2023 ONLTB 21576

Date: 2023-02-24

File Number: LTB-L-016330-22

In the matter of: 901, 101 MILLSIDE DR
MILTON ON L9T3C2

Between: 101 Millside Apartments Limited Landlord

And

Jason Rouse Tenant

101 Millside Apartments Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Jason Rouse (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 legal representative, Faith McGregor, attended the hearing.

Determinations:

1. On March 14, 2022, the Landlord gave the Tenant an N8 notice of termination with a termination date of May 31, 2022. The lease was month to month at the time of service and the lawful rent is due on the first of each month.

2. Based on the Landlord's N8 notice the Tenant has persistently failed to pay the rent on the date it was due. At the hearing the Landlord's legal representative, submitted that the Tenant has been late in paying the rent for the past twenty four (24) moths.
3. The pattern of late payments is unmistakable and persistent.
4. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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5. The Landlord collected a rent deposit of \$920.80 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$13.38 is owing to the Tenant for the period from January 1, 2022 to February 6, 2023 .
6. 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.
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 Landlord's legal representative that the Tenant does not have young children or any persons with special needs that the Board needs to consider living with them, and whether the Landlord attempted to negotiate a repayment agreement with the Tenant 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.

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 7, 2023.
2. If the unit is not vacated on or before March 7, 2023, then starting March 8, 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 8, 2023.

4. The Tenant shall pay to the Landlord \$6,664.31, 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 \$30.64 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.

February 24, 2023

Date Issued

Greg Brocanier

Member, Landlord and Tenant Board

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

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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 8, 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.

