



**Order under Section 69 and 89
Residential Tenancies Act, 2006**

Citation: ATLANTIS REALTY SERVICES INC v Bakula, 2022 ONLTB 13964

Date: 2022-12- 21

File Number: LTB-L-009785-22

In the matter of: 1101, 421 Maple Ave
Burlington ON L7S1L9

Between: ATLANTIS REALTY SERVICES INC Landlord

And

Hannanda Bakula, Tenants
Henny Bakula

ATLANTIS REALTY SERVICES INC (the 'Landlord') applied for an order to terminate the tenancy and evict Hannanda Bakula, Henny Bakula (the 'Tenants') because:

- the Tenants have been persistently late in paying the Tenants' rent.

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

This application was heard by videoconference on November 3, 2022.

Only the Landlord's Legal Representative J. Shabes attended the hearing.

As of 9:38 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board. 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. 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 rent has been paid late 19 times in the past 19 months.
2. The Tenants have not paid rent since March of 2022. The N8 notice was served to the Tenants on February 16, 2022. The Landlord's Legal Representative stated that the Tenant stopped paying rent after the notice was served.
3. The rent arrears have been dealt with in Board order LTB-016840-22 issued on October 7, 2022. Hence compensation for each day the Tenants remain in the unit after the termination date, will not be ordered.

Relief from Eviction

4. 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 Tenants is terminated. The Tenants must move out of the rental unit on or before January 3, 2023.
2. The Tenants shall pay to the Landlord \$186.00 for the cost of filing the application.
3. If the Tenants do not pay the Landlord the full amount owing on or before December 31, 2022, the Tenants will start to owe interest. This will be simple interest calculated from January 1, 2023 at 5.00% annually on the balance outstanding.
4. If the unit is not vacated on or before January 3, 2023, then starting January 4, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
5. 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 January 4, 2023.

December 21, 2022
Date Issued

Sheena Brar
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 of the Tenant expires on June 19, 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.