



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

Citation: Owen Sound Housing Company Limited v Hillyer, 2022 ONLTB 13551

Date: 2022-12-02

File Number: LTB-L-042390-22

In the matter of: 1, 500 7TH AVE E
OWEN SOUND ON N4K2X4

Between: Owen Sound Housing Company Limited Landlord

And

Robert Hillyer Tenant

Owen Sound Housing Company Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Hillyer (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

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 November 3, 2022.

Only the Landlord's representative, C. Bertrand, and the Landlord's Property Manager, S. Huber, attended the hearing. The Landlord called another tenant G. Harding Jr., as a witness.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before December 7, 2022.
2. On May 22, 2022, person permitted in the residential complex by the Tenant seriously impaired the safety of other tenants of the complex by driving an SUV erratically in the parking lot of the complex, jumping the curb, and crashing the SUV into the exterior wall of another tenant's bedroom. The other tenant is elderly and was in bed when the SUV crashed into the wall where his bed was located. This conduct occurred in the residential complex.
3. Based on the Monthly rent, the daily compensation is \$19.10. This amount is calculated as follows: \$580.88 x 12, divided by 365 days.
4. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

5. The Landlord collected a rent deposit of \$694.92 from the Tenant and this deposit is still being held by the Landlord.
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'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. Other tenants live in fear of the Tenant's guests. They use drugs in the common are and carry knives when entering the complex. Before this application was heard, a guest of the Tenant stabbed another guest of the Tenant with a knife.

It is ordered that:

8. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before December 7, 2022.
9. If the unit is not vacated on or before December 7, 2022, then starting December 8, 2022, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
10. 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 December 8, 2022. The Sheriff is requested to expedite the enforcement of this order.
11. The Tenant shall also pay the Landlord compensation of \$19.10 per day for the use of the unit starting December 8, 2022 until the date the Tenant moves out of the unit.
12. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
13. If the Tenant does not pay the Landlord the full amount owing on or before December 7, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 8, 2022 at 2.00% annually on the balance outstanding.

December 2, 2022

Date Issued

Egya Sangmuah

Vice Chair, 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 June 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.