



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

Citation: D&L Property Ventures ltd v Grist, 2024 ONLTB 66500

Date: 2024-09-10

File Number: LTB-L-031444-24

In the matter of: 1442 LECARON AVE
camlachie ON N7V3J2

Between: D&L Property Ventures ltd

And

Kimberley Grist

I hereby certify this is a
true copy of an Order dated
SEP 10, 2024
Landlord and Tenant Board

Landlord

Tenant

D&L Property Ventures ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Kimberley Grist (the 'Tenant') because:

- the Tenant did not pay the rent that the Tenant owes (L1 Application); and
- the Tenant has been persistently late in paying the Tenant's rent; (L2 Application).

This application was heard by videoconference on August 19, 2024.

Only the Landlord attended the hearing.

The Tenant was 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:

L1 Application – Non-Payment of Rent

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$2,205.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$72.49. This amount is calculated as follows: \$2,205.00 x 12, divided by 365 days.
5. The Tenant has paid \$2,100.00 to the Landlord since the application was filed.

6. The rent arrears owing to August 31, 2024 are \$10,881.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,100.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$138.83 is owing to the Tenant for the period from June 21, 2020 to August 19, 2024.

L2 Application – Persistent Late Payment of Rent

10. The Tenant has 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 12 times in the past 12 months.

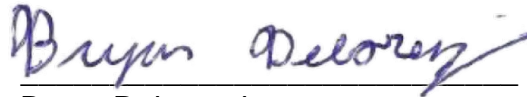
Relief from Eviction

11. 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. Pursuant to the L2 Application, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before September 21, 2024.
2. The Tenant shall pay the Landlord any rent arrears owing up to the date of the hearing and the cost of filing the application. The amount of the rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenant.
3. As of the date of the hearing, the Tenant owes the Landlord \$8,000.48. See Schedule 1 for the calculation of the amount owing.
4. The Tenant shall also pay the Landlord compensation of \$72.49 per day for the use of the unit starting August 20, 2024 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing on or before September 21, 2024, the Tenant will start to owe interest. This will be simple interest calculated from September 22, 2024 at 7.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 21, 2024, then starting September 22, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. 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 September 22, 2024.

September 10, 2024
Date Issued



Bryan Delorenzi
Member, 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 March 22, 2025 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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To August 19, 2024	\$12,153.31
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	-\$2,100.00
Less the amount of the last month's rent deposit	-\$2,100.00
Less the amount of the interest on the last month's rent deposit	-\$138.83
Total amount owing to the Landlord	\$8,000.48
Plus daily compensation owing for each day of occupation starting August 20, 2024	\$72.49 (per day)