



Sept 18, 2024

Landlord and Tenant Board

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

File Number: LTB-L-046665-24

In the matter of: 2, 518 PITT ST
CORNWALL ON K6J3R5

Between: 1000230772 Ontario Inc. Landlord

And

Daellen Jock Tenant
Nolan Levac

1000230772 Ontario Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Daellen Jock and Nolan Levac (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on August 27, 2024.

The Landlord's Representative Chaudhry Yaqoob and the Landlord's Representative's Support Person Saqub Yaboob attended the hearing.

As of 2:15pm, 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.

It is determined that:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy in the application. Therefore, tenancy between the Landlord and the Tenant will be terminated on September 30, 2024.
2. On June 4, 2024, the Landlord gave the Tenant an N8 notice of termination with a termination date of August 31, 2024. The notice of termination states that the Tenant has persistently failed to pay the rent on the date that it was due.
3. The rent is due on the first of each month and this is a month to month tenancy.
4. The Tenant was in possession of the rental unit on the date the application was filed.
5. The Landlord's Representative submits that from August, 2023 to August, 2024, the Tenant has paid rent late 12 times out of 13 months.
6. We are satisfied based on the contents of the N8 notice of termination and the uncontested submissions and evidence of the Landlord's Representative, on a balance of probabilities, that the Tenant has persistently failed to pay rent on the date it was due.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord is seeking the termination of the tenancy and submits that the Tenant was persistently late in paying their rent for over a year. The Landlord states that correspondence was sent to the Tenant reminding them of their obligations with respect to paying rent on the date it is due. It was further submitted that the Landlord relies on prompt payments of rent to maintain the residential unit and satisfy their financial obligations.
9. The Tenant did not attend the hearing to provide evidence of their personal circumstances and the Landlord was unaware of any specific circumstances of the Tenant that would suggest we ought to delay eviction.
10. We 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.
11. This order contains all the reasons within it and no further reasons shall 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 September 30, 2024.
2. If the unit is not vacated on or before September 30, 2024, then starting October 1, 2024, 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 October 1, 2024.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the cost of filing the application on or before September 30, 2024, the Tenant will start to owe interest. This will be simple interest calculated from October 1, 2024 at 7.00% annually on the balance outstanding.

September 18, 2024
Date Issued



Heather Chapple
Vice Chair, Landlord and Tenant Board

September 18, 2024
Date Issued

Reshad Nazeer
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 April 1, 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.