



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

**Citation:** Endless Property Holdings v Rokeby, 2023 ONLTB 56504

**Date:** 2023-09-01

**File Number:** LTB-L-068286-22

**In the matter of:** Lower, 230 RICHMOND ST  
LONDON ON N6B2H6

**Between:** Endless Property Holdings

**And**

Melyssa Rokeby  
Khaleeha Jackson  
Kaheem Jackson  
Roland Jack  
Kevin Andrews

I hereby certify this is a  
true copy of an Order dated  
**Sep 1, 2023**  
*M. Sawicki*  
Landlord and Tenant Board

Landlord

Tenants

Endless Property Holdings (the 'Landlord') applied for an order to terminate the tenancy and evict Melyssa Rokeby, Khaleeha Jackson, Kaheem Jackson, Roland Jack and Kevin Andrews (the 'Tenants') because:

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

This application was heard by videoconference on August 8, 2023.

Only the Landlord's legal representative Brittany Stewart attended the hearing.

As of 9:35am, the Tenants were 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:**

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy will be terminated.
2. The Tenants were in possession of the rental unit on the date the application was filed.

**N8 Termination Notice:**

3. On November 8, 2022, the Landlord gave the Tenants an N8 notice of termination with a termination date of January 31, 2023. The L2 application was file on November 16, 2022. The notice of termination contains the following allegations:

**Persistent Late:**

4. The Tenants have persistently failed to pay the rent on the date it was due. The rent is due on the 1<sup>st</sup> day of each month. The rent has been paid late 7 times in the past 7 months as detailed on the N8 notice
5. After the N8 notice was served, the Tenants have continued to pay their rent late for an additional 7 times. It was the evidence of the Landlord that the Tenants have repeatedly promised to make payments but have failed to do so. To date, the Tenants remain in rental arrears.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Landlord collected a rent deposit of \$1,050.00 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$29.00 is owing to the Tenants for the period from December 24, 2020 to August 8, 2023 .
8. 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.

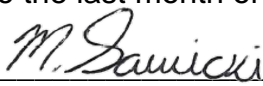
**Relief from eviction**

9. Based on the uncontested evidence before me, 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 September 12, 2023.
2. If the unit is not vacated on or before September 12, 2023, then starting September 13, 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 September 13, 2023.
4. The Tenants shall pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing on or before September 12, 2023, the Tenants will start to owe interest. This will be simple interest calculated from September 13, 2023 at 6.00% annually on the balance outstanding.
6. The Landlord owes \$1,079.00 which is the amount of the rent deposit and interest on the rent deposit, and this shall be applied to the last month of the tenancy.

**September 1, 2023**  
**Date Issued**

  
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Mayra Sawicki  
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 Tenants expires on March 13, 2024 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.