

Order under Section 69
Residential Tenancies Act, 2006

File Number: TNL-44510-13

PP (the 'Landlord') applied for an order to terminate the tenancy and evict KH (the 'Tenant') because she or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or 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 in Toronto on May 7, 2013.

The Landlord's representative, (HP), and the Tenant attended the hearing.

The following witnesses testified at the hearing:

(SC), Superintendent

The Tenant

(TN), Tenant's sister and occupant of the rental unit

Determinations:

1. The Landlord has received numerous complaints about marijuana odour emanating from the rental unit in question. The Landlord's staff have also observed individuals, who have been permitted in the rental unit by the Tenant, smoking marijuana cigarettes in the rental unit.
2. Unless it is prescribed for medical purposes, possession of marijuana in Canada is illegal under the *Controlled Drugs and Substances Act* (S.C. 1996, c.19).
3. I am satisfied that the Tenant and individuals permitted in the rental unit by the Tenant are committing illegal acts in the rental unit with regard to their possession of an illegal substance in the rental unit.
4. The Landlord collected a rent deposit of \$900.00 from the Tenant and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenant for the period from December 1, 2010 to May 31, 2013
6. 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 not be unfair to postpone the eviction until May 31, 2013 pursuant to subsection 83(1)(b) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated, as of May 31, 2013. The Tenant must move out of the rental unit on or before May 31, 2013.
2. As of the date of this order, the amount the Landlord is holding for the rent deposit and the interest owing on the deposit exceeds the amount the Tenant owes for compensation by \$945.48.
3. The Landlord is authorized to offset from the amount the Landlord owes the Tenant the following amounts: \$30.84 per day for compensation for the use of the unit from June 1, 2013 to the date the Tenant moves out of the unit; and \$170.00 for the cost of filing the application.
4. The Landlord or the Tenant may collect from the other any money that becomes owing as a result of this order.
5. If the unit is not vacated on or before May 31, 2013, then starting June 1, 2013, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 June 1, 2013.

May 16, 2013
Date Issued

Nancy Fahlgren
Member, Landlord and Tenant Board

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

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 expires on December 1, 2013 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.