



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-014409-26

In the matter of: 1, 336 JEANNE D'ARC AVE
SUDBURY ON P3B2Z8

Between: Thelina Amaratunga Landlord

And

Sue Ellen Size Tenant

Thelina Amaratunga (the 'Landlord') applied for an order to terminate the tenancy and evict Sue Ellen Size (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on May 21, 2026.

Only the Landlord's legal representative, Ashley Cassidy, and the Landlord's agent, Wali Hossain, attended the hearing.

As of 1:02 p.m., 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:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy is terminated as of June 5, 2026.
2. The Tenant was in possession of the rental unit on the date the application was filed.

N8 Notice of Termination

3. On February 6, 2026, the Landlord gave the Tenant an N8 notice of termination. The notice of termination contains the following allegations: that the Tenant has persistently paid their rent late.

Persistently Late

4. The Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the 1st day of each month. The rent has been paid late 24 times in the past 27 months from December 1, 2023 to February 1, 2026. The Landlord's legal representative submits that the March and April 2026 payments have come back NSF and May 2026 rent has not been paid. The Landlord submitted the Tenant's ledger into evidence.
5. I accept the uncontested evidence of the Landlord and I am satisfied on a balance of probabilities, that the Tenant has persistently failed to pay the rent on the date it was due.

Daily compensation, NSF charges, rent deposit

6. The Tenant was required to pay the Landlord \$1,192.17 in daily compensation for use and occupation of the rental unit for the period from May 1, 2026 to May 21, 2026. The Tenant would ordinarily be required to pay the Landlord compensation in the amount of \$1,192.17 for use and occupation of the rental unit for the period from May 1, 2026 to May 21, 2026.
7. The Landlord's legal representative submitted that the Tenant owes \$13,887.55 in rent arrears. However, the Landlord advised that these arrears are the subject of a separate application before the Board under file number LTB-L-009710-26, which also addresses last month's rent.
8. In order to avoid duplication of orders, the Landlord has elected to waive its claim for compensation for use and occupation in this application and seeks only an order terminating the tenancy.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from eviction

10. The Landlord requested that the tenancy be terminated.
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. I asked the Landlord if they were aware of any circumstances that the Tenant may be experiencing that would make an eviction unfair and they were aware of none. The Tenant did not attend the hearing to provide any evidence or submission in support of granting relief from eviction.

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 June 5, 2026.

2. If the unit is not vacated on or before June 5, 2026, then starting June 6, 2026, 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 June 6, 2026.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before June 5, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 6, 2026 at 4% annually on the balance outstanding.

May 25, 2026
Date Issued

Teresa Hunt
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 December 6, 2026 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.