

Order under Section 94
Residential Tenancies Act, 2006

File Number: NOL-30021-17

In the matter of: 301, 1016 ARTHUR STREET, SUDBURY
SUDBURY ON P3A5N1

Between: Bocan Enterprises INC

and

John Clark
Debbie Hall

I hereby certify this a true copy of <input checked="" type="checkbox"/> Order <input type="checkbox"/> Decision
Date: JAN 29 2018
(Signature of Staff Member) LANDLORD AND TENANT BOARD

Landlord

Tenants

Bocan Enterprises INC (the 'Landlord') applied for an order pursuant to s. 93 of the *Residential Tenancies Act, 2006* (the 'Act') to terminate the tenancy and evict John Clark and Debbie Clark (the 'Tenants') from a superintendent's premises because the Tenants' employment as superintendents has ended. The Landlord claimed compensation for each day the Tenants remained in the unit after the termination date. (L2 application)

This application was heard in Sudbury on January 15, 2018. As of 9:30 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing. Only the Landlord, Boban Nikolic, attended the hearing.


Determinations:

1. The Landlord terminated the employment of the Tenants on November 23, 2017.
2. It was the Landlord's evidence that the Tenants vacated the superintendents unit on December 31, 2017. Based on the uncontested evidence, I will terminate the tenancy as of December 31, 2017.
3. Section 93 of the *RTA* terminates tenancies for a building superintendents' premises on the day that the superintendents' employment is terminated, and requires the former superintendents to vacate the rental unit within seven days.
4. The Tenants must pay a per diem compensation for occupation of the rental unit from December 1, 2017 to December 31, 2017.
5. The monthly rent is \$1,200.00.

It is ordered that:

1. The L2 application is granted. The tenancy is terminated as of November 30, 2017.
2. The Tenants shall pay to the Landlord \$1,200.00, which represents one month's compensation for the use of the unit from December 1, 2017 to December 31, 2017.
3. The Tenants shall also pay to the Landlord \$175.00 for the cost of filing this application.
4. If the Tenants do not pay the Landlord the full amount owing on or before February 9, 2018, the Tenants will start to owe interest. This will be simple interest calculated from February 10, 2018 at 3.00% annually on the balance outstanding.

January 29, 2018
Date Issued


Margaret Reynolds
Member, Landlord and Tenant Board

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.