



Order under Section 69
Residential Tenancies Act, 2006

File Number: NOL-41895-21

In the matter of: 1007, 1016 ARTHUR STREET
SUDBURY ON P3A5N1

Between: Bocan Enterprises Inc

and

Robert Aka Bob Sanders

**I hereby certify this is a
true copy of an Order dated**

NOV 29 2021

SM

Landlord and Tenant Board

Landlord

Tenant

Bocan Enterprises Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Aka Bob Sanders (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The application was heard via video conference on November 18, 2021. The Landlord was represented by Boban Nikolic (Employee). Dave Saunders attended on behalf of the Tenant. Dave Saunders is the Tenant's appointed Power of Attorney for Property and Power of Attorney for Personal Care. Allison Woods assisted Dave Saunders in the capacity of tenant duty counsel.

With the assistance of Dispute Resolution Officer Melinda Jamieson, the parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

The parties agreed:

1. The Power of Attorney for Property and Power Attorney for Personal Care documents are on the Board's file.
2. The Tenant has not paid the total rent they were required to pay for the period from November 1, 2020 to November 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective November 24, 2020.
3. The Tenant is in possession of the rental unit.
4. The monthly rent is \$1,180.77.
5. The Tenant made no payments after the application was filed.
6. The Landlord collected a last months rent deposit of \$1,000.00 on May 1, 2009. To date, no interest has been paid.
7. The parties agreed that the amount outstanding to November 30, 2021, inclusive of rent arrears (\$14,169.24) and costs (\$201.00), is \$14,370.24.
8. On consent, the parties requested a final, non-voidable termination of this tenancy based on their agreement to terminate the tenancy as of December 17, 2021. The application is amended to include an L3 Application for termination of the tenancy. Consequently, the

Tenant does not have the option to void the eviction order under subsections 74(4) or 74(11) of the *Residential Tenancies Act, 2006* (the 'Act') by paying the outstanding rent arrears.

9. The parties agreed that the amount outstanding to December 17, 2021, inclusive of rent arrears (\$14,169.24) and costs (\$201.00) and rent for the period December 1 -17, 2021 (\$659.94) less the rent deposit (\$1,000.00) less interest owing on the rent deposit (\$201.00), is \$13,829.18.

On consent of the parties, 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 December 17, 2021.
2. If the unit is not vacated on or before December 17, 2021, then starting December 18, 2021, 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 December 18, 2021.
4. The Tenant shall pay to the Landlord \$38.82 per day for compensation for the use of the unit starting December 18, 2021 to the date they move out of the unit.
5. The Tenant shall pay to the Landlord \$13,829.18.
6. If the Tenant does not pay the Landlord the full amount owing under paragraph 5 of this order on or before December 17, 2021, the Tenant will start to owe interest. This will be simple interest calculated from December 18, 2021 at the post-judgement interest rate determined under subsection 207(7) of the Act.



November 29, 2021
Date Issued

Melinda Jamieson
Dispute Resolution Officer, 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.