

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

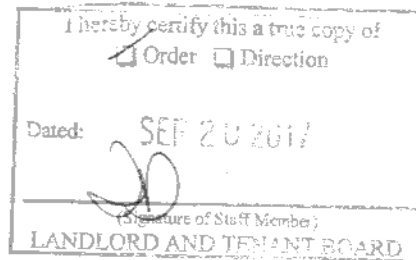
**File Number:** NOL-28931-17

**In the matter of:** 1405, 1016 ARTHUR STREET  
SUDBURY ON P3A5N1

**Between:** Bocan Enterprises Inc

and

Rickie Frapporti



Landlord

Tenant

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

This application was heard in Sudbury on September 19, 2017. The Landlord's Agent, Boban Nikolic attended the hearing. As of 10:30 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

**Determinations:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from January 1, 2017 to September 30, 2017. Because of the arrears, the Landlord served a Notice of Termination.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$969.00.
4. The Tenant has made no payments since the application was filed.
5. The Landlord collected a rent deposit of \$950.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from June 12, 2015 to August 31, 2017.
7. 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. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before October 1, 2017.



2. The Tenant shall pay to the Landlord \$1,657.73\*, which represents the amount of rent owing and compensation up to September 20, 2017, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$31.86 per day for compensation for the use of the unit starting September 21, 2017 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$175.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing\* on or before October 1, 2017, the Tenant will start to owe interest. This will be simple interest calculated from October 2, 2017 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 1, 2017, then starting October 2, 2017, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. 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 October 2, 2017.
8. **If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlord or to the Board in trust:**
  - i) **\$3,151.00 if the payment is made on or before September 30, 2017, or**
  - ii) **\$4,120.00 if the payment is made on or before October 1, 2017\*\*.**If the Tenant does not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. The Tenant may make a motion to the Board under subsection 74(11) of the Act to set aside this order if they pay the amount required under that subsection on or after October 2, 2017 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

**September 20, 2017**  
**Date Issued**

  
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Lisa Stevens  
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. In accordance with section 81 of the Act, the part of this order relating to the eviction expires on April 2, 2018 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.

- \* Refer to section A on the attached Summary of Calculations.  
\*\* Refer to section B on the attached Summary of Calculations.

**Schedule 1  
SUMMARY OF CALCULATIONS**

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**A. Amount the Tenant must pay if the tenancy is terminated:**

Reasons for amount owing	Period	Amount
Arrears)	January 1, 2017 to August 31, 2017	\$2,007.00
Plus compensation:	September 1, 2017 to September 20, 2017	\$637.20
Less the rent deposit:		-\$950.00
Less the interest owing on the rent deposit:	June 12, 2015 to August 31, 2017	-\$36.47
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$1,657.73</b>
Additional costs the Tenant must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting September 21, 2017:		\$31.86 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$1,832.73, + \$31.86 per day starting September 21, 2017</b>

**B. Amount the Tenant must pay to void the eviction order and continue the tenancy:**

**1. If the payment is made on or before September 30, 2017:**

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2017 to September 30, 2017	\$2,976.00
Additional costs the Tenant must pay to the Landlord:		\$175.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before September 30, 2017	<b>\$3,151.00</b>

**2. If the payment is made after September 30, 2017 but on or before October 1, 2017:**

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2017 to October 31, 2017	\$3,945.00
Additional costs the Tenant must pay to the Landlord:		\$175.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before October 1, 2017	<b>\$4,120.00</b>