



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

In the matter of: 127 LIDDARD STREET
BRACEBRIDGE ON P1L1M5

Between: Blue Planet Properties

and

Cassandra Rimmington
Mike Vanekelenburg



Landlord

Tenants

Blue Planet Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Cassandra Rimmington and Mike Vanekelenburg (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard via videoconference on October 19, 2020 at 9:00 am. Only the Landlord's agent, M. Hu, attended the hearing. As of 9:27 am, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Tenants have not paid the total rent the Tenants were required to pay for the period from January 1, 2020 to October 31, 2020.
3. The Landlord collected a rent deposit of \$1,900.00 from the Tenants and this deposit is still being held by the Landlord.
4. Interest on the rent deposit is owing to the Tenants for the period from September 26, 2019 to January 23, 2020.
5. The Tenants paid \$14,300.00 after the application was filed. Based on the evidence provided, I am satisfied on a balance of probabilities that the total amount the Tenants owe in arrears (\$3,700.00) and the filing fee (\$175.00), is \$3,875.00.

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 December 1, 2020 pursuant to subsection 83(1)(b) of the Act. The Landlord's agent testified that she is willing to postpone the eviction to give the Tenants an opportunity to satisfy the arrears or alternatively, find new housing.

It is ordered that:

1. Unless the Tenants void the order as set out below, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before December 1, 2020.
2. The Tenants shall pay to the Landlord \$1,777.04*, which represents the amount of rent owing and compensation up to October 30, 2020, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$62.47 per day for compensation for the use of the unit starting October 31, 2020 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$175.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before December 1, 2020, the Tenants will start to owe interest. This will be simple interest calculated from December 2, 2020 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 1, 2020, then starting December 2, 2020, 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 December 2, 2020.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust:
 - i) \$3,875.00 if the payment is made on or before October 31, 2020,
 - ii) \$5,775.00 if the payment is made after October 31, 2020 but on or before November 30, 2020, or
 - iii) \$7,675.00 if the payment is made on or before December 1, 2020**.

If the Tenants do 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 Tenants 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 December 2, 2020 but before the Sheriff gives vacant possession to the Landlord. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlord.



October 30, 2020
Date Issued

Camille Tancioco
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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 June 2, 2021 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**

File Number: CEL-92567-20

A. Amount the Tenants must pay if the tenancy is terminated:

| Reasons for amount owing | Period | Amount |
|---|--|--|
| Arrears: (up to the termination date in the Notice of Termination) | January 1, 2020 to January 23, 2020 | \$436.71 |
| Less the amount the Tenants paid to the Landlord | | -\$14,300.00 |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | January 24, 2020 to October 30, 2020 | \$17,554.07 |
| Less the rent deposit: | | -\$1,900.00 |
| Less the interest owing on the rent deposit: | September 26, 2019 to January 23, 2020 | -\$13.74 |
| Amount owing to the Landlord on the order date: (total of previous boxes) | | \$1,777.04 |
| Additional costs the Tenants must pay to the Landlord: | | \$175.00 |
| Plus daily compensation owing for each day of occupation starting October 29, 2020: | | \$62.47 (per day) |
| Total the Tenants must pay the Landlord if the tenancy is terminated: | | \$1,952.04, + \$62.47 per day starting October 29, 2020 |

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

1. If the payment is made on or before October 31, 2020:

| Reasons for amount owing | Period | Amount |
|--|-------------------------------------|---------------|
| Arrears: | January 1, 2020 to October 31, 2020 | \$18,000.00 |
| Less the amount the Tenants paid to the Landlord: | | -\$14,300.00 |
| Additional costs the Tenants must pay to the Landlord: | | \$175.00 |

| | | |
|--|-------------------------------|------------|
| Total the Tenants must pay to continue the tenancy: | On or before October 31, 2020 | \$3,875.00 |
|--|-------------------------------|------------|

2. if the payment is made after October 31, 2020 but on or before November 30, 2020

| Reasons for amount owing | Period | Amount |
|--|--------------------------------------|--------------|
| Arrears: | January 1, 2020 to November 30, 2020 | \$19,900.00 |
| Less the amount the Tenants paid to the Landlord: | | -\$14,300.00 |
| Additional costs the Tenants must pay to the Landlord: | | \$175.00 |

| | | |
|--|--------------------------------|------------|
| Total the Tenants must pay to continue the tenancy: | On or before November 30, 2020 | \$5,775.00 |
|--|--------------------------------|------------|

3. If the payment is made on December 1, 2020:

| Reasons for amount owing | Period | Amount |
|--|--------------------------------------|--------------|
| Arrears: | January 1, 2020 to December 31, 2020 | \$21,800.00 |
| Less the amount the Tenants paid to the Landlord: | | -\$14,300.00 |
| Additional costs the Tenants must pay to the Landlord: | | \$175.00 |
| Total the Tenants must pay to continue the tenancy: | On or before December 1, 2020 | \$7,675.00 |