

Order under Section 69  
Residential Tenancies Act, 2006

File Number: CEL-73536-18

In the matter of: BASEMENT, 36 FLORETTE PLACE  
BRAMPTON ON L7A3G6

Between: Carla Marques

and

Thomas Otorowski

Landlord and Tenant Board
APR 06 2018
I certify this is a true copy of Order <input checked="" type="checkbox"/> Report <input type="checkbox"/> Initials <input checked="" type="checkbox"/>

Landlord

Tenant

Carla Marques (the 'Landlord') applied for an order to terminate the tenancy and evict Thomas Otorowski (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard in Mississauga on March 28, 2018.

Only the Landlord attended the hearing.

Only for the purpose of calculating the arrears for this order, I have converted the daily tenancy to a monthly one (\$25.00 X 365/12). The tenancy remains a daily tenancy.

**Determinations:**

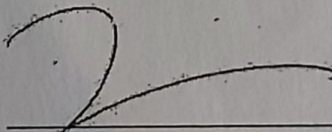
1. The Tenant has not paid the total rent the Tenant was required to pay for the period from November 24, 2017 to April 23, 2018. Because of the arrears, the Landlord served a Notice of Termination effective February 10, 2018.
2. I have considered all of the disclosed circumstances in accordance with 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 April 17, 2018.
2. The Tenant shall pay to the Landlord \$3,095.84\*, which represents the amount of rent owing and compensation up to April 6, 2018.

3. The Tenant shall also pay to the Landlord \$25.00 per day for compensation for the use of the unit starting April 7, 2018 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 April 17, 2018, the Tenant will start to owe interest. This will be simple interest calculated from April 18, 2018 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before April 17, 2018, then starting April 18, 2018, 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 April 18, 2018.
8. If, on or before April 17, 2018, the Tenant pays the amount of \$3,727.10\*\* to the Landlord or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated and the Tenant could remain in the unit. If this payment is not made in full and on time, 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 April 18, 2018 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.

April 6, 2018  
Date Issued

  
\_\_\_\_\_  
Lisa Del Vecchio  
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 October 18, 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: (up to the termination date in the Notice of Termination)	November 24, 2017 to February 10, 2018	\$1,720.84
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	February 11, 2018 to April 6, 2018	\$1,375.00
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$3,095.84</b>
Additional costs the Tenant must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting April 7, 2018:		\$25.00 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$3,270.84, + \$25.00 per day starting April 7, 2018</b>

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

Reasons for amount owing	Period	Amount
Arrears:	November 24, 2017 to April 23, 2018	\$3,552.10
Additional costs the Tenant must pay to the Landlord:		\$175.00
<b>Total the Tenant must pay to continue the tenancy:</b>		<b>\$3,727.10</b>