



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-25317-21

In the matter of: 3775 FAIRFIELD AVENUE
CRYSTAL BEACH ON L0S1B0

Between: Smart Stays Inc. - Michael Adams Landlord

and

Andrea Steed Tenants
Jeff Lawson

Smart Stays Inc. - Michael Adams (the 'Landlord') applied for an order to terminate the tenancy and evict Jeff Lawson and Andrea Steed (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by video conference on February 1, 2022.

The Landlord, Michael Adams, the Landlord's Legal Representative, Peter Balatidis, and the Tenant, Andrea Steed (AS), attended the hearing. As of 11:20 a.m., the Tenant, Jeff Lawson, was not present or represented at the hearing.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from August 1, 2021 to September 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective October 13, 2021.
2. The Tenants were still in possession of the rental unit as of January 31, 2022.
3. The Landlord's Legal Representative submitted that the lawful monthly rent was \$3,200.00 and that the Landlord is not holding a last month's rent deposit. He added that the Tenants have not paid any rent since August 2021 and that there is now 6 months rent currently owing.
4. The Tenant (AS) submitted that she had wanted to vacate the residence back in September 2021 but admitted that she had not given proper notice to the Landlord. The Tenant (AS) added that she had already moved most of her possessions out of the rental unit but still had the key and had a few things left to pick up.

5. The Tenant (AS) also disputed the monthly rent charge of \$3,200.00 stating that it was her understanding that the rent was actually \$2,500.00. The Landlord's Legal Representative explained that the other named Tenant, Jeff Lawson, had been making payments of at least \$3,000.00 earlier in 2021.
6. However, in order to facilitate an ending of this tenancy, the Landlord agreed to the Tenant's request and lowered the monthly rent owing from August 2021 to January 2021 from \$3,200.00 to \$2,500.00 per month.
7. The Landlord's Legal Representative then agreed to the tenancy being officially ended as of January 31, 2022 with the Tenant (AS) having the next day to retrieve her remaining possessions from the rental unit.
8. 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 as both parties want this tenancy to end as soon as possible.
9. This order contains all of the reasons in this matter and no further reasons will be given.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before **February 1, 2022**.
2. The Tenants shall pay to the Landlord **\$15,000.00**, which represents the amount of rent owing from August 1, 2021 to January 31, 2022.
3. If the Tenants do not pay the Landlord the full amount owing on or before March 1, 2022, the Tenants will start to owe interest. This will be simple interest calculated from March 2, 2022 at 2.00% annually on the balance outstanding.
4. If the unit is not vacated on or before February 1, 2022, then starting February 2, 2022, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
5. 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 February 2, 2022.

February 8, 2022
Date Issued

Michael Di Salle
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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 September 8, 2022 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.