



Order under Section 21.2 of the
Statutory Powers Procedure Act
and the **Residential Tenancies Act, 2006**

File Number: SWL-43252-20-RV

In the matter of: 10, 5 LINNWOOD AVENUE
CAMBRIDGE ON N1R1V2

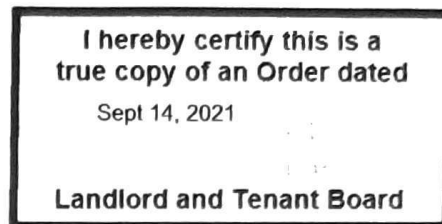
Between: 5 Linnwood Holdings

Landlord

and

Crystal Labrecque
James Dacheno

Tenants



Review Order

5 Linnwood Holdings (the 'Landlord') applied for an order to terminate the tenancy and evict Crystal Labrecque and James Dacheno (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order SWL-43252-20 issued on November 27, 2020.

On July 12, 2021, the Landlord requested a review of the order.

The request was heard by videoconference on September 9, 2021. The hearing was scheduled for 1:00 p.m.

Only the Landlord's legal representative, Carmen Dawdy, attended the hearing. As of 4:07 p.m., the Tenants were not present or represented at the hearing

Determinations:

1. I am satisfied that the Landlord was not reasonably able to participate in the proceedings because the Landlord did not receive the notice of hearing.
2. The Tenants have not paid the total rent the Tenants were required to pay for the period from March 1, 2020 to November 30, 2020. Because of the arrears, the Landlord served a Notice of Termination effective March 17, 2020.
3. The Tenants are in possession of the rental unit.
4. The Tenants have made no payments since the application was filed.

5. The Landlord is not holding a rent deposit.
6. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenants, 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. Order SWL-43252-20 issued on November 27, 2020 is cancelled and replaced by the order below.
2. Unless the Tenant voids 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 September 25, 2021.
3. The Tenants shall pay to the Landlord \$31,375.92*, which represents the amount of rent owing and compensation up to September 14, 2021.
4. The Tenants shall also pay to the Landlord \$55.73 per day for compensation for the use of the unit starting September 15, 2021 to the date the Tenants move out of the unit.
5. The Tenants shall also pay to the Landlord \$175.00 for the cost of filing the application.
6. If the unit is not vacated on or before September 25, 2021, then starting September 26, 2021, 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 September 26, 2021.
8. If, on or before September 25, 2021, the Tenants pay the amount of \$32,380.00** 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 Tenants 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 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 September 26, 2021 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.

September 14, 2021
Date Issued



Richard Ferriss
Member, Landlord and Tenant Board

File Number: SWL-43252-20-RV

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

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 March 26, 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.

- * 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: SWL-43252-20-RV

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)	March 1, 2020 to March 17, 2020	\$947.34
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 18, 2020 to September 14, 2021	\$30,428.58
Amount owing to the Landlord on the order date: (total of previous boxes)		\$31,375.92
Additional costs the Tenants must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting September 15, 2021:		\$55.73 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$31,550.92, + \$55.73 per day starting September 15, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	March 1, 2020 to September 30, 2021	\$32,205.00
Additional costs the Tenants must pay to the Landlord:		\$175.00
Total the Tenants must pay to continue the tenancy:	On or before September 25, 2021	\$32,380.00