

Arrears Worksheet

File Number: CEL-14321-11

Time period for Arrears Owning From: March 2, 2011 to March 26, 2011
 (From the commencement of arrears to the termination date in the notice, or the end of the rental period if the tenancy is not being terminated.)

Part 1 - Calculations of Arrears Owning

(A) Rent Period (monthly, weekly, etc.)	(B) Rent Charged	(C) Lawful Rent (if issue raised)	(D) Lower of (B) and (C)	(E) Rent Paid	(F) Amount Owning (D-E)
02/03/2011 - 26/03/2011	\$1,232.88		\$1,232.88		\$1,232.88
**Part Month					
** To calculate the Rent for part of a month, use the following formula for columns (B), (C) and (D): $\frac{\text{Monthly Rent} \times 12}{365} \times \# \text{ Days}$				(F) Total Rent Owning	\$1,232.88

(G1)	Arrears Owning [From (F)]	\$1,232.88
(G2)	Arrears Claimed	\$6,170.00
(G3)	Include whichever is less when Calculation Total Arrears Owning	\$1,232.88
(I)	Total Amount Owning	\$1,232.88

Part II - Calculation of Compensation

(Use this part if the tenancy is being terminated)

(J) (i)	Lump Sum Compensation Start Date (Day after termination date in notice)	March 27, 2011
	(ii) Lump Sum Compensation End Date (Date of order)	July 26, 2011
(K)	Daily Compensation $\frac{\text{Monthly Rent} \times 12}{365}$	\$49.32
(L)	Number of Days for Lump Sum Compensation (# days between start date and order date - inclusive)	122 days
(M)	Total Lump Sum Compensation [(K) X (L)] =	\$6,017.04

Part III: NSF and Related Administration Charges

(N) Amount of NSF Cheque Charge	(O) Related Admin. Charge, if any	Maximum Admin. Charge per Regs.	(P) Lower of (O) or \$20	(Q) Total Charge (N) + (P)
	\$20.00	\$20.00	\$20.00	\$20.00
	\$20.00	\$20.00	\$20.00	\$20.00
(Q) Total NSF Charges Owing:				\$40.00

- (R1) NSF Charges Owing [From (Q)] \$40.00
- (R2) NSF Charges Claimed \$40.00
- (R3) Include whichever is LESS when calculating total NSF charges owing \$40.00

Part IV - Rent Deposit and Interest Owing
 (Use this part if you are terminating the tenancy)

- (S) Rent Deposit \$1,500.00
- (T1) Interest Owing on Rent Deposit
 For period from: 01/12/2010 to 26/03/2011
 - (i) Annual Amount (S) X 0.7% = \$10.50
 - (ii) Daily Amount (i) / 365 = 0.0288
 - (iii) Interest Owing (ii) X 116 (# of days) = \$3.34
- (T2) Total amount of interest owing on rent deposit
 [(T1)] \$3.34
- (U) Rent Deposit + Interest
 [(S) + (T2)] = \$1,503.34

Part V - Total Amount Owing

- (V) Terminating the tenancy [I+M+R3-U] \$5,786.58

Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-14321-11

In the matter of: 9 BUSHCROFT TRAIL
BRAMPTON ON L7A2K9

Between: Dwight Stewart Landlord

and

Tara Zolnai Tenant

Dwight Stewart (the 'Landlord') applied for an order to terminate the tenancy and evict Tara Zolnai (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed administration charges related to NSF cheques.

This application was heard in Mississauga on July 15, 2011.

Only Jureew Guthrie-Stewart, the Landlord's Agent, attended the hearing./

As of 10:05 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing as it appears from the Certificate of Service.

Determinations:

1. The Tenant has not paid the total rent she was required to pay for the period from March 2, 2011 to August 1, 2011. Because of the arrears, the Landlord served a Notice of Termination effective March 26, 2011.
2. The Landlord incurred charges of \$40.00 for administration charges related to cheques tendered by or on behalf of the Tenant, which were returned NSF.
3. The Landlord collected a rent deposit of \$1,500.00 from the Tenant and this deposit is still being held by the Landlord.
4. Interest on the rent deposit is owing to the Tenant for the period from December 2, 2010 to March 26, 2011.
5. 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. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before August 6, 2011.

2. The Tenant shall pay to the Landlord \$5,786.58*, which represents the amount of rent owing and compensation up to July 26, 2011 and the total charges related to NSF cheques tendered to the Landlord by or on behalf of the Tenant, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$49.32 per day for compensation for the use of the unit starting July 27, 2011 to the date she moves out of the unit.
4. The Tenant shall also pay to the Landlord \$170.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before August 6, 2011, the Tenant will start to owe interest. This will be simple interest calculated from August 7, 2011 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 6, 2011, then starting August 7, 2011, 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 August 7, 2011.
8. If the Tenant wishes to void this order and continue the tenancy, she must pay to the Landlord or to the Board in trust:
 - i) \$7,710.00 if the payment is made on or before August 1, 2011, or
 - ii) \$9,210.00 if the payment is made on or before August 6, 2011**.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 August 7, 2011 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.

July 26, 2011
Date Issued

Enza Buffa
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, Suite 520, 5th Floor
Mississauga Ontario 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 February 7, 2012 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-14321-11

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)	March 2, 2011 to March 26, 2011	\$1,232.88
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 27, 2011 to July 26, 2011	\$6,017.04
Less the rent deposit:		-\$1,500.00
Less the interest owing on the rent deposit:	December 2, 2010 to March 26, 2011	-\$3.34
Administration charges related to NSF cheque charges:		\$40.00
Amount owing to the Landlord on the order date:(total of previous boxes)		\$5,786.58
Additional costs the Tenant must pay to the Landlord:		\$170.00
Plus daily compensation owing for each day of occupation starting July 27, 2011:		\$49.32 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$5,956.58, + \$49.32 per day starting July 27, 2011

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

1. If the payment is made on or before August 1, 2011:

Reasons for amount owing	Period	Amount
Arrears:	March 2, 2011 to August 1, 2011	\$7,500.00
Additional costs the Tenant must pay to the Landlord:		\$170.00
Administration charges related to NSF cheque charges:		\$40.00
Total the Tenant must pay to continue the tenancy:	On or before August 1, 2011	\$7,710.00

2. If the payment is made after August 1, 2011 but on or before August 6, 2011:

Reasons for amount owing	Period	Amount
Arrears:	March 2, 2011 to September 1, 2011	\$9,000.00
Additional costs the Tenant must pay to the Landlord:		\$170.00
Administration charges related to NSF cheque charges:		\$40.00
Total the Tenant must pay to continue the tenancy:	On or before August 6, 2011	\$9,210.00