


Order under Section 69  
Residential Tenancies Act, 2006

File Number: SOL-79257-17

In the matter of: UPPER, 65 EAGLE AVENUE  
BRANTFORD ON N3S1Z2

Between: Cameron Hiscock Landlords  
Duff Thomson **I hereby certify this is a true copy of an Order**  
and   
Nick Martin Dated MAR 16 2017 Tenant  
Landlord and Tenant Board

Cameron Hiscock and Duff Thomson (the 'Landlords') applied for an order to terminate the tenancy and evict Nick Martin (the 'Tenant') because he did not pay the rent that he owes, and because he has been persistently late in paying his rent.

The applications were heard in Brantford on March 8, 2017. Only the Landlord representative, Wenda Allicock, attended the hearing

**Determinations:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from January 1, 2017 to March 31, 2017. Because of the arrears, the Landlords served a Notice of Termination effective February 10, 2017.
2. The Tenant paid \$750.00 after the application was filed.
3. The Tenant has been persistently late in paying his rent, having made no full payments on time since early 2016. The Landlords collected a rent deposit of \$675.00 from the Tenant and this deposit is still being held by the Landlords.
4. The Tenant remains in possession of the rental unit.
5. Interest on the rent deposit is owing to the Tenant for the period from January 9, 2008 to February 10, 2017.
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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before March 31, 2017.

2. The Tenant shall pay to the Landlords \$128.98\*, which represents the amount of rent owing and compensation up to March 16, 2017, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenant shall also pay to the Landlords \$22.64 per day for compensation for the use of the unit starting March 17, 2017 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords \$190.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing\* on or before March 31, 2017, the Tenant will start to owe interest. This will be simple interest calculated from April 1, 2017 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before March 31, 2017, then starting April 1, 2017, the Landlords 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 Landlords, on or after April 1, 2017.

**March 16, 2017**

**Date Issued**

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



Michael Soo  
Member, Landlord and Tenant Board

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 1, 2017 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.

**Schedule 1  
SUMMARY OF CALCULATIONS**

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**A. Amount the Tenant must pay:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears: (up to the termination date in the Notice of Termination)	January 1, 2017 to February 10, 2017	\$893.86
Less the amount the Tenant paid to the Landlords		-\$750.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	February 11, 2017 to March 16, 2017	\$769.76
Less the rent deposit:		-\$675.00
Less the interest owing on the rent deposit:	January 9, 2008 to February 10, 2017	-\$109.64
Amount owing to the Landlords on the order date:(total of previous boxes)		<b>\$128.98</b>
Additional costs the Tenant must pay to the Landlords:		\$190.00
Plus daily compensation owing for each day of occupation starting March 17, 2017:		\$22.64 (per day)
<b>Total the Tenant must pay the Landlords:</b>		<b>\$318.98, + \$22.64 per day starting March 17, 2017</b>