



**Order under Section 69  
Residential Tenancies Act, 2006**

**Citation:** Wallis v Summers, 2024 ONLTB 18789

**Date:** 2024-03-18

**File Number:** LTB-L-083241-23

**In the matter of:** 235A KING ST E  
GANANOQUE ON K7G1G4

**Between:** Gregory Wallis  
Christa McMullen-Wallis

**And**

Ron Summers

I hereby certify this is a  
true copy of an Order dated  
**MAR 18, 2024**  
Landlord and Tenant Board

Landlords

Tenant

Gregory Wallis and Christa McMullen-Wallis (the 'Landlord') applied for an order to terminate the tenancy and evict Ron Summers (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 5, 2024. Only the Landlords attended the hearing.

As of 1:56 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board. There is no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlords' evidence.

**Determinations:**

1. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$870.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$28.60. This amount is calculated as follows: \$870.00 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to March 31, 2024, are \$6,090.00.
7. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.

8. The Landlords collected a rent deposit of \$900.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$19.11, is owing to the Tenant for the period from May 1, 2023, to March 5, 2024.
10. We 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)(a) of the Act. The Landlords have repeatedly tried to negotiate a repayment plan with the Tenant, but he has not been receptive. They are unaware of any circumstances of the Tenant that would justify granting relief beyond the Board's standard eleven days to void.
11. The Landlords seek an order directing the Sheriff to expedite the enforcement of this order. The Landlords are experiencing financial hardship. In order to cover their costs due to the Tenant's default they are working extra shifts and hours at work to make up the shortfall. For the reasons that follow, that request is denied.
12. Although we are sympathetic to the Landlords' situation, expedited enforcement is specifically contemplated by the Act in s. 84, where it is to be ordered for evictions related to drug trafficking or illegal drug production, serious impairments of safety, significant wilful damage, using the premises for non-residential purpose likely to cause significant property damage, and substantial interference with a landlord's reasonable enjoyment where the landlord lives in the same small residential complex. Although the Board has the discretion to order expedited enforcement in other situations, s. 84 suggests that it is a tool to be used in the most serious of situations. Here, clearly there is some hardship occurring, but no evidence was led of pending insolvency or a serious financial crisis, so we are not prepared to exercise our discretion to order the Sheriff to expedite enforcement.

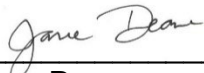
**It is ordered that:**

1. The tenancy between the Landlords and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlords or to the Board in trust:**
  - \$6,276.00 if the payment is made on or before March 29, 2024. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may also make a motion at the Board to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that becomes due after March 29, 2024, but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before March 29, 2024.**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlords \$4,629.89. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlords owe on the rent deposit are

deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.

6. The Tenant shall also pay the Landlords compensation of \$28.60 per day for the use of the unit starting March 6, 2024, until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlords the full amount owing on or before March 29, 2024, the Tenant will start to owe interest. This will be simple interest calculated from March 30, 2024, at 7.00% annually on the balance outstanding.
8. If the unit is not vacated on or before March 29, 2024, then starting March 30, 2024, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 March 30, 2024.

**March 18, 2024**  
**Date Issued**

  
\_\_\_\_\_  
Jane Dean  
Member, Landlord and Tenant Board

  
\_\_\_\_\_  
Ruth Carey  
Vice-Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground  
Floor  
Toronto ON M7A 2G6

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 30, 2024, 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.

**Schedule 1**  
**SUMMARY OF CALCULATIONS**

**A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before March 29, 2024**

Rent Owing To March 31, 2024	\$6,090.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlords since the application was filed	- \$0.00
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$6,276.00</b>

**B. Amount the Tenant must pay if the tenancy is terminated**

Rent Owing To Hearing Date	\$5,363.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$900.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$19.11
<b>Total amount owing to the Landlords</b>	<b>\$4,629.89</b>
Plus daily compensation owing for each day of occupation starting March 6, 2024	\$28.60 (per day)