

Order under Section 69  
Residential Tenancies Act, 2006

File Number: SOL-79631-17

In the matter of: 78 GOLDHAM WAY  
GEORGETOWN ON L7G0C8

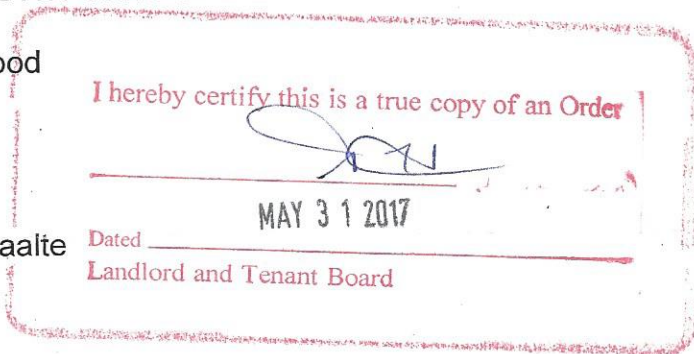
Between: Jeff Westwood

Landlord

and

Gina Van Raalte

Tenant



Jeff Westwood (JW) (the 'Landlord') applied for an order to terminate the tenancy and evict Gina Van Raalte (GVR) (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

As well, the Landlord applied for an order to terminate the tenancy and evict the Tenant because the Landlord intends to move into the unit.

This application was heard in Burlington on May 26, 2017.

Only the Landlord attended the hearing. By 10:56 a.m. the Tenant had not attended the hearing, though properly served with the notice of hearing.

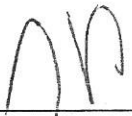
**Determinations:**

1. The Tenant has not paid \$4,000.00 of the total rent the Tenant was required to pay for the period from January 1, 2017 to May 31, 2017. Because of the arrears, the Landlord served a Notice of Termination effective February 22, 2017.
2. The Tenant has paid \$3,400.00 to the Board in trust since the application was filed. \*\*
3. The Tenant paid \$600.00 after the application was filed.
4. The Tenant was still in possession of the rental unit as of the date the application was filed.
5. The Landlord requires the unit for his personal residential use.
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 Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before June 11, 2017. The amount of \$3,400.00 plus accrued interest shall be paid out to the Landlord.
2. The Tenant shall pay to the Landlord \$3,906.81\*, which represents the amount of rent owing and compensation up to May 31, 2017.
3. The Tenant shall also pay to the Landlord \$55.89 per day for compensation for the use of the unit starting June 1, 2017 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$190.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing\* on or before June 11, 2017, the Tenant will start to owe interest. This will be simple interest calculated from June 12, 2017 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before June 11, 2017, then starting June 12, 2017, 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 June 12, 2017.
8. The Board shall pay to the Landlord the amount of \$3,400.00 together with any accrued interest. \*\*

**May 31, 2017**  
**Date Issued**

  
\_\_\_\_\_  
Sean Henry  
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 December 12, 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**

File Number: SOL-79631-17

**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)	January 1, 2017 to February 22, 2017	\$2,429.59
Less the amount the Tenant paid to the Landlord		-\$600.00
Less the amount the Tenant paid to the Board in trust		-\$3,400.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	February 23, 2017 to May 31, 2017	\$5,477.22
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$3,906.81</b>
Additional costs the Tenant must pay to the Landlord:		\$190.00
Plus daily compensation owing for each day of occupation starting June 1, 2017:		\$55.89 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$4,096.81, + \$55.89 per day starting June 1, 2017</b>