



Order under Section 69
Residential Tenancies Act, 2006

File Number: EAL-97278-21

In the matter of: 487 GARNEAU STREET
HAWKESBURY ON K6A1M6

Between: Dominick Dicaire Landlords
Jonathan Dicaire

and

Jean-raymond Baker Tenants
Ryan Baker

Dominick Dicaire and Jonathan Dicaire (the 'Landlords') applied for an order to terminate the tenancy and evict Ryan Baker and Jean-raymond Baker (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on October 6, 2021.

Only the Landlords attended the hearing. As of 1:25 p.m., the Tenants were not present or represented at the hearing, although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from January 1, 2021 to October 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective July 7, 2021.
2. The Landlord submitted that the Tenants only paid 2 and half months of rent since the tenancy started in January 2021. The Landlord further submitted that the Tenants do not follow up on their promises to pay. The Landlord stated that the Tenants told him that they will pay the rent arrears when they receive their tax returns but failed to make any payment subsequently.
3. 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. Based on the uncontested evidence provided by the Landlord at the hearing, I find that the Tenants failed to pay their rent in full. I see no reason to deny the eviction requested by the Landlord.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before March 5, 2022.
2. The Tenants shall pay to the Landlords \$8,603.40*, which represents the amount of rent owing and compensation up to February 22, 2022.
3. The Tenants shall also pay to the Landlords \$23.01 per day for compensation for the use of the unit starting February 23, 2022 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlords \$201.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing* on or before March 5, 2022, the Tenants will start to owe interest. This will be simple interest calculated from March 6, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before March 5, 2022, then starting March 6, 2022, 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 March 6, 2022.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlords or to the Board in trust:
 - i) \$8,951.00 if the payment is made on or before February 28, 2022, or
 - ii) \$9,651.00 if the payment is made on or before March 5, 2022**.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlords 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 March 6, 2022 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

February 22, 2022
Date Issued

Poeme Manigat
Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9

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 6, 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**

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2022 CanLII 127301 (ON LTB)

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)	January 1, 2021 to July 7, 2021	\$3,311.10
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	July 8, 2021 to February 22, 2022	\$5,292.30
Amount owing to the Landlords on the order date: (total of previous boxes)		\$8,603.40
Additional costs the Tenants must pay to the Landlords:		\$201.00
Plus daily compensation owing for each day of occupation starting February 23, 2022:		\$23.01 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$8,804.40, + \$23.01 per day starting February 23, 2022

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

1. If the payment is made on or before February 28, 2022:

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2021 to February 28, 2022	\$8,750.00
Additional costs the Tenants must pay to the Landlords:		\$201.00
Total the Tenants must pay to continue the tenancy:	On or before February 28, 2022	\$8,951.00

2. If the payment is made after February 28, 2022 but on or before March 5, 2022:

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2021 to March 31, 2022	\$9,450.00
Additional costs the Tenants must pay to the Landlords:		\$201.00
Total the Tenants must pay to continue the tenancy:	On or before March 5, 2022	\$9,651.00