

Kaminski, Trish (MAG)

From: JUS-G-MAG-SJTO-Southwest LTB Email
Sent: October-23-18 3:35 PM
To: 'sartgaknr@gmail.com'
Subject: Message from Landlord and Tenant Board
Attachments: SWL-21260-18.pdf

Please see attached Order # SWL-21260-18

Thank you.

Landlord and Tenant Board | SouthWest Regional Office
1-888-332-3234
Social Justice Tribunals Ontario

Tribunaux de justice sociale Ontario

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<http://www.sjto.gov.on.ca>

Dear Landlord:

Due to a potential Canada Post strike, the Board is directing you to immediately give a copy of the order to the tenant(s).

You can give a copy of the order to the tenant(s) using any of the following methods:

- handing a copy of the order to the tenant(s),
- handing a copy of the order to an apparently adult person in the rental unit,
- placing a copy of the order under the door of the rental unit or through the mail slot in the door,
- leaving a copy of the order in the tenant's mailbox, or
- if there is no mailbox, leaving a copy of the order at the place where mail is ordinarily delivered to the tenant.

The Landlord shall not use regular mail, registered mail, or courier to deliver the order.

The Board may ask you to fill out the *Certificate of Service* form to prove that you gave a copy of the order to the tenant(s). A copy of the form is attached. Although you do not have to file the *Certificate of Service* form with the Board at this time, you should complete the certificate when you give the tenant(s) the order and keep it for your records. You may be required to file with the Board on a future date.

If you have any questions, please contact the Board at 416-645-8080 or toll-free at 1-888-332-3234.

Landlord and Tenant Board

Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-21260-18

In the matter of: 66 DAHLIA STREET
KITCHENER ON N2E4B1

Between: Sarthak Nayar

Landlord

I certify this is a true copy of the order

and

Staff Member

Alana Lee Griffin
Dustin Michael Smith

Dated: _____

OCT 23 2018

Tenants

Landlord and Tenant Board

Sarthak Nayar (the 'Landlord') applied for an order to terminate the tenancy and evict Dustin Michael Smith and Alana Lee Griffin (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in Waterloo on October 16, 2018. The Landlord, Sarthak Nayar, attended the hearing. As of 12:22 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 they were required to pay for the period from February 1, 2018 to October 31, 2018. Because of the arrears, the Landlord served a Notice of Termination effective August 18, 2018.
2. The Tenants are in possession of the rental unit.
3. The monthly rent is \$1,800.00.
4. The application is amended to reflect that Landlord collected a rent deposit of \$1,800.00 from the Tenants and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenants for the period from January 11, 2017 to August 18, 2018.
6. The Tenants paid \$2,150.00 after the application was filed.

7. 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. ***Due to a potential Canada Post strike, the Landlord must immediately give a copy of this Order to the Tenant by:***
 - handing it to the tenant;***
 - handing it to an apparently adult person in the rental unit;***
 - leaving it in the tenant's mailbox; or,***
 - if there is no mailbox, leaving it at the place where mail is ordinarily delivered to the tenant; or***
 - placing a copy of the order under the door of the rental unit or through a mail slot in the door; or***
 - If there is a fax machine where the tenant resides, by fax***

The Landlord shall not use regular mail, registered mail, Xpresspost or any courier service that is used by Canada Post to deliver the Order.
2. Unless the Tenants void the order as set out below, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before November 2, 2018.
3. The Tenants shall pay to the Landlord \$3,409.96*, which represents the amount of rent owing and compensation up to October 22, 2018, less the rent deposit and interest the Landlord owes on the rent deposit.
4. The Tenants shall also pay to the Landlord \$59.18 per day for compensation for the use of the unit starting October 23, 2018 to the date they move out of the unit.
5. The Tenants shall also pay to the Landlord \$175.00 for the cost of filing the application.
6. If the Tenants do not pay the Landlord the full amount owing* on or before November 2, 2018, the Tenants will start to owe interest. This will be simple interest calculated from November 3, 2018 at 3.00% annually on the balance outstanding.
7. If the unit is not vacated on or before November 2, 2018, then starting November 3, 2018, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 November 3, 2018.
9. If the Tenants wish to void this order and continue the tenancy, they must pay to the Landlord or to the Board in trust:
 - i) \$5,925.00 if the payment is made on or before October 31, 2018, or
 - ii) \$7,725.00 if the payment is made on or before November 2, 2018**.

If the Tenants do 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.

10. 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 November 3, 2018 but before the Sheriff gives vacant possession to the Landlord. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

October 22, 2018
Date Issued


Melanie Love
Member, Landlord and Tenant Board

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

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 May 3, 2019 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: SWL-21260-18

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)	February 1, 2018 to August 18, 2018	\$3,565.21
Less the amount the Tenants paid to the Landlord		-\$2,150.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	August 19, 2018 to October 22, 2018	\$3,846.70
Less the rent deposit:		-\$1,800.00
Less the interest owing on the rent deposit:	January 11, 2017 to August 18, 2018	-\$51.95
Amount owing to the Landlord on the order date:(total of previous boxes)		\$3,409.96
Additional costs the Tenants must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting October 23, 2018:		\$59.18 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$3,584.96, + \$59.18 per day starting October 23, 2018

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

1. If the payment is made on or before October 31, 2018:

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2018 to October 31, 2018	\$7,900.00
Less the amount the Tenants paid to the Landlord:		-\$2,150.00
Additional costs the Tenants must pay to the Landlord:		\$175.00
Total the Tenants must pay to continue the tenancy:	On or before October 31, 2018	\$5,925.00

2. If the payment is made after October 31, 2018 but on or before November 2, 2018:

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2018 to November 30, 2018	\$9,700.00
Less the amount the Tenants paid to the Landlord:		-\$2,150.00
Additional costs the Tenants must pay to the Landlord:		\$175.00
Total the Tenants must pay to continue the tenancy:	On or before November 2, 2018	\$7,725.00