

Order under Section 69
Residential Tenancies Act, 2006

File Number: NOL-30202-17

In the matter of: 404, 634 LASALLE BOULEVARD
SUDBURY ON P3A1X4

Between: Bocan Enterprises Inc

and

Dave Burton

I hereby certify this a true copy of <input checked="" type="checkbox"/> Order <input type="checkbox"/> Direction
Date: FEB 08 2018
(Signature of Staff Member) LANDLORD AND TENANT BOARD

Landlord

Tenant

Bocan Enterprises Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Dave Burton (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard in Sudbury on February 6, 2018. As of 9:30 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing. Only the Landlord's Representative, Boban Nikolic attended the hearing.

Determinations:

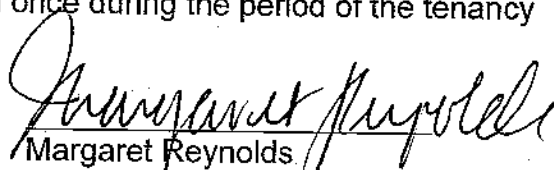
1. The Tenant has not paid the total rent the Tenant was required to pay for the period from November 1, 2017 to February 28, 2018. Because of the arrears, the Landlord served a Notice of Termination.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$710.50.
4. The Tenant paid \$1,425.00 after the application was filed.
5. The Landlord collected a rent deposit of \$700.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from June 21, 2016 to January 31, 2018.
7. In accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), I canvassed the Landlord whether there are any circumstances in this case that would cause me to consider granting relief from eviction pursuant to subsection 83(1) of the Act.

The Landlord was unaware of such circumstances and I find that it would not be appropriate to grant relief.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before February 19, 2018.
2. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent and compensation the Landlord is entitled to by \$243.39*.
3. However, the Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenant:
\$23.36 per day for compensation for the use of the unit starting February 9, 2018 to the date the Tenant moves out of the unit, and
\$175.00 for the cost of filing the application.
4. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
5. If the unit is not vacated on or before February 19, 2018, then starting February 20, 2018, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 February 20, 2018.
7. If, on or before February 19, 2018, the Tenant pays the amount of \$1,173.50** to the Landlord or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated and the Tenant could remain in the unit. If this payment is not made in full and on time, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. The Tenant 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 February 20, 2018 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

February 8, 2018
Date Issued


Margaret Reynolds
Member, Landlord and Tenant Board

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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 August 20, 2018 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: NOL-30202-17

A. Amount the Tenant must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears:	November 1, 2017 to January 31, 2018	\$1,713.00
Less the amount the Tenant paid to the Landlord		-\$1,425.00
Plus Daily Compensation:	February 1, 2018 to February 8, 2018	\$186.88
Less the rent deposit:		-\$700.00
Less the interest owing on the rent deposit:	June 21, 2016 to January 31, 2018	-\$18.27
Amount owing to the Landlord on the order date: (total of previous boxes)		-\$243.39
Additional costs the Tenant must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting February 9, 2018:		\$23.36 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		-\$68.39, + \$23.36 per day starting February 9, 2018

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

Reasons for amount owing	Period	Amount
Arrears:	November 1, 2017 to February 28, 2018	\$2,423.50
Less the amount the Tenant paid to the Landlord		-\$1,425.00
Additional costs the Tenant must pay to the Landlord:		\$175.00
Total the Tenant must pay to continue the tenancy:	On or before February 19, 2018	\$1,173.50