

Order under Section 69
Residential Tenancies Act, 2006

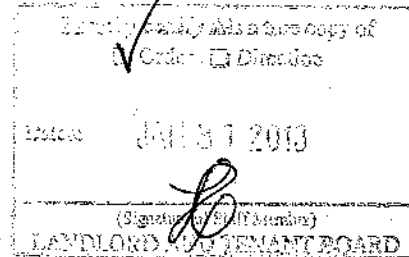
File Number: NOL-30182-17

In the matter of: 105, 634 LASALLE BOULEVARD
SUDBURY ON P3A1X4

Between: Bocan Enterprises Inc

and

Amanda Huber



Landlord

Tenant

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

This application was heard in Sudbury on January 30, 2018. The Landlord's Agent, Boban Nikolic attended the hearing. As of 9:30 a.m., the Tenant was not present or represented at the hearing although properly served with notice of the hearing by the Board.

Determinations:

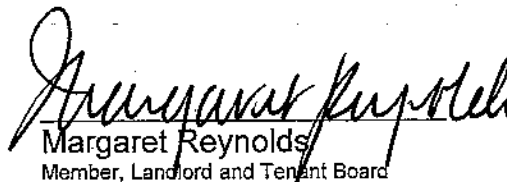
1. The Tenant has not paid the total rent the Tenant was required to pay for the period from October 1, 2017 to January 31, 2018. Because of the arrears, the Landlord served a Notice of Termination.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$850.00.
4. The Tenant has made no payments since the application was filed.
5. The Landlord collected a rent deposit of \$850.00 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 February 22, 2017 to December 31, 2017.
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. 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 11, 2018.

2. The Tenant shall pay to the Landlord \$2,555.53*, which represents the amount of rent owing and compensation up to January 31, 2018, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$27.95 per day for compensation for the use of the unit starting February 1, 2018 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$175.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before February 11, 2018, the Tenant will start to owe interest. This will be simple interest calculated from February 12, 2018 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before February 11, 2018, then starting February 12, 2018, 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 February 12, 2018.
8. **If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlord or to the Board in trust:**
 - i) **\$3,575.00 if the payment is made on or before January 31, 2018, or**
 - ii) **\$4,425.00 if the payment is made on or before February 11, 2018**.**If the Tenant does 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.
9. 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 12, 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.

January 31, 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 12, 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-30182-17

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

Reasons for amount owing	Period	Amount
Arrears:	October 1, 2017 to December 31, 2017	\$2,550.00
Plus compensation:	January 1, 2018 to January 31, 2018	\$866.45
Less the rent deposit:		-\$850.00
Less the interest owing on the rent deposit:	February 22, 2017 to December 31, 2017	-\$10.92
Amount owing to the Landlord on the order date: (total of previous boxes)		\$2,555.53
Additional costs the Tenant must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting February 1, 2018:		\$27.95 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$2,730.53, + \$27.95 per day starting February 1, 2018

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

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

Reasons for amount owing	Period	Amount
Arrears:	October 1, 2017 to January 31, 2018	\$3,400.00
Additional costs the Tenant must pay to the Landlord:		\$175.00
Total the Tenant must pay to continue the tenancy:	On or before January 31, 2018	\$3,575.00

2. If the payment is made after January 31, 2018 but on or before February 11, 2018:

Reasons for amount owing	Period	Amount
Arrears:	October 1, 2017 to February 28, 2018	\$4,250.00
Additional costs the Tenant must pay to the Landlord:		\$175.00
Total the Tenant must pay to continue the tenancy:	On or before February 11, 2018	\$4,425.00

