



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-06964-20

In the matter of: 80, 3200 SINGLETON AVENUE
LONDON ON N6L 0C7

Between: Winson Ng Landlord
and
Brandy Lacroix Tenant

Winson Ng (the 'Landlord') applied for an order to terminate the tenancy and evict Brandy Lacroix (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed NSF cheque charges and related administration charges.

This application was heard in Passcode: 601 939 985# on November 16, 2020. The Landlord attended the hearing. The Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

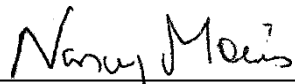
Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from January 15, 2020 to December 14, 2020. Because of the arrears, the Landlord served a Notice of Termination effective February 28, 2020.
1. The Tenant is in possession of the rental unit.
2. The lawful monthly rent is \$1,075.00.
3. The Landlord is not holding a last month's rent deposit.
4. The Tenant has made no payments since the application was filed.
5. The Landlord incurred charges of \$7.50 for a cheque tendered by or on behalf of the Tenant, which was returned NSF and \$20.00 for related administration charges.
6. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenant 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 December 4, 2020.
2. The Tenant shall pay to the Landlord \$10,588.21*, which represents the amount of rent owing and compensation up to November 23, 2020 and the total charges related to a NSF cheque tendered to the Landlord by or on behalf of the Tenant.
3. The Tenant shall also pay to the Landlord \$35.34 per day for compensation for the use of the unit starting November 24, 2020 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 December 4, 2020, the Tenant will start to owe interest. This will be simple interest calculated from December 5, 2020 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 4, 2020, then starting December 5, 2020, 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 December 5, 2020.
8. If, on or before December 4, 2020, the Tenant pays the amount of \$11,052.50** 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.
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 December 5, 2020 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.

November 23, 2020
Date Issued



Nancy Morris
Member, Landlord and Tenant Board

Head Office
777 Bay Street, 12th Floor
Toronto Ontario M5G2E5

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 June 5, 2021 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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2020 CanLII 120202 (ON LTB)

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 15, 2020 to February 28, 2020 | \$1,054.25 |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | February 29, 2020 to November 23, 2020 | \$9,506.46 |
| NSF cheque charges: | | \$7.50 |
| Administration charges related to NSF cheque charges: | | \$20.00 |
| Amount owing to the Landlord on the order date: (total of previous boxes) | | \$10,588.21 |
| Additional costs the Tenant must pay to the Landlord: | | \$175.00 |
| Plus daily compensation owing for each day of occupation starting November 24, 2020: | | \$35.34 (per day) |
| Total the Tenant must pay the Landlord if the tenancy is terminated: | | \$10,763.21, + \$35.34 per day starting November 24, 2020 |

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

| Reasons for amount owing | Period | Amount |
|---|---------------------------------------|--------------------|
| Arrears: | January 15, 2020 to December 14, 2020 | \$10,850.00 |
| Additional costs the Tenant must pay to the Landlord: | | \$175.00 |
| NSF cheque charges: | | \$7.50 |
| Administration charges related to NSF cheque charges: | | \$20.00 |
| Total the Tenant must pay to continue the tenancy: | On or before December 4, 2020 | \$11,052.50 |