

Order under Section 69  
Residential Tenancies Act, 2006


File Number: NOL-31563-18

In the matter of: 305, 634 LASALLE BOULEVARD  
SUDBURY ON P3A1X4

Between: Bocan Enterprises Inc

and

Joey Belenger  
Kayla Petchy

I hereby certify this a true copy of	
<input checked="" type="checkbox"/> Order	<input type="checkbox"/> Direction
Dated: JUN 06 2018	
	
(Signature of Staff Member)	
LANDLORD AND TENANT BOARD	

Landlord

Tenants

Bocan Enterprises Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Kayla Petchy and Joey Belenger (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in Sudbury on June 5, 2018. The Landlord's Agent, Boban Nikolic attended the hearing. As of 9:30 a.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 March 1, 2018 to June 30, 2018. Because of the arrears, the Landlord served a Notice of Termination.
2. The Tenants were in possession of the rental unit.
3. The monthly rent is \$862.75.
4. The Tenants have made no payments since the application was filed.
5. The Landlord collected a rent deposit of \$850.00 from the Tenants and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenants for the period from August 31, 2016 to April 30, 2018.
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.

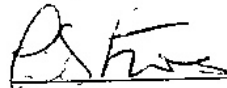
**It is ordered that:**

1. Unless the 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 June 17, 2018.



2. The Tenants shall pay to the Landlord \$1,401.90\*, which represents the amount of rent owing and compensation up to June 6, 2018, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$28.36 per day for compensation for the use of the unit starting June 7, 2018 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$175.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing\* on or before June 17, 2018, the Tenants will start to owe interest. This will be simple interest calculated from June 18, 2018 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before June 17, 2018, then starting June 18, 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 June 18, 2018.
8. **If, on or before June 17, 2018, the Tenants pay the amount of \$3,126.00\*\* 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 Tenants 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 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 June 18, 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.

**June 6, 2018**  
**Date Issued**

  
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Lisa Stevens  
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 December 18, 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-31563-18

**A. Amount the Tenants must pay if the tenancy is terminated:**

Reasons for amount owing	Period	Amount
Arrears	March 1, 2018 to April 30, 2018	\$1,225.50
Plus compensation	May 1, 2018 to June 6, 2018	\$1,049.32
Less the rent deposit:		-\$850.00
Less the interest owing on the rent deposit:	August 31, 2016 to April 30, 2018	-\$22.92
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$1,401.90</b>
Additional costs the Tenants must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting June 7, 2018:		\$28.36 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$1,576.90, + \$28.36 per day starting June 7, 2018</b>

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

Reasons for amount owing	Period	Amount
Arrears:	March 1, 2018 to June 30, 2018	\$2,951.00
Additional costs the Tenants must pay to the Landlord:		\$175.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before June 17, 2018	<b>\$3,126.00</b>

