

Order under Section 69
Residential Tenancies Act, 2006

File Number: TNL-32346-12

In the matter of: MAIN FLOOR, 32 LINDSAY AVENUE
NEWMARKET ON L3Y4N6

I hereby certify this is a true copy of the Order
(Name of Document)

Between: Larysa Dudenko
Mykhaylo Dudenko

(Signature of Staff Member)

Landlords

JUN 26 2012

and

Kathy Liscio
Lenny Liscio
Laura Cass

Tenants

Landlord and Tenant Board

Larysa Dudenko and Mykhaylo Dudenko (the 'Landlords') applied for an order to terminate the tenancy and evict Kathy Liscio, Lenny Liscio and Laura Cass (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. The Landlords also claimed NSF cheque charges and related administration charges.

This application was heard in Newmarket on June 25, 2012.

The Landlord L. Dudenko and the Tenants K. Liscio and L. Cass attended the hearing.

Determinations:

1. The Tenants have not paid the total rent they were required to pay for the period from May 1, 2012 to June 30, 2012. Because of the arrears, the Landlords served a Notice of Termination.
2. The Landlords incurred charges of \$10.00 for cheques tendered by or on behalf of the Tenants, which were returned NSF and \$40.00 for related administration charges.
3. The Landlords collected a rent deposit of \$1,450.00 from the Tenants and this deposit is still being held by the Landlords.
4. Interest on the rent deposit is owing to the Tenants for the period from December 1, 2011 to July 31, 2012.
5. 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 not be unfair to postpone the eviction until July 31, 2012 pursuant to subsection 83(1)(b) of the Act, because there is a child involved in the tenancy and temporary job loss caused financial hardship.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before July 31, 2012.

2. The Tenants shall pay to the Landlords \$2,769.94*, which represents the amount of rent owing and compensation up to July 31, 2012 and the total charges related to NSF cheques tendered to the Landlords by or on behalf of the Tenants, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$47.67 per day for compensation for the use of the unit starting August 1, 2012 to the date they move out of the unit.
4. The Tenants shall also pay to the Landlords \$170.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing* on or before July 31, 2012, the Tenants will start to owe interest. This will be simple interest calculated from August 1, 2012, at 3.00% annually on the balance outstanding.
6. The Landlord may file this order with the Court Enforcement Office (Sheriff) upon receipt; however eviction may not be enforced until August 1, 2012, if the unit is not vacated on or before July 31, 2012.
7. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords, on or after August 1, 2012.
8. If the Tenants wish to void this order and continue the tenancy, they must pay to the Landlords or to the Board in trust:
 - i) \$2,970.00 if the payment is made on or before June 30, 2012, or
 - ii) \$4,420.00 if the payment is made on or before July 31, 2012**.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlords 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 August 1, 2012 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

June 26, 2012
Date Issued


Elke Homsi
Member, Landlord and Tenant Board

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

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 February 1, 2013 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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A. Amount the Tenants must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date)	May 1, 2012 to July 31, 2012	\$4,200.00
Less the rent deposit:		-\$1,450.00
Less the interest owing on the rent deposit:	December 1, 2011 to July 31, 2012	-\$30.06
NSF cheque charges:		\$10.00
Administration charges related to NSF cheque charges:		\$40.00
Amount owing to the Landlords on the order date: (total of previous boxes)		\$2,769.94
Additional costs the Tenants must pay to the Landlords:		\$170.00
Plus daily compensation owing for each day of occupation starting August 1, 2012:		\$47.67 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$2,939.94, + \$47.67 per day starting August 1, 2012

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

1. If the payment is made on or before June 30, 2012:

Reasons for amount owing	Period	Amount
Arrears:	May 1, 2012 to June 30, 2012	\$2,750.00
Additional costs the Tenants must pay to the Landlords:		\$170.00
NSF cheque charges:		\$10.00
Administration charges related to NSF cheque charges:		\$40.00
Total the Tenants must pay to continue the tenancy:	On or before June 30, 2012	\$2,970.00

2. If the payment is made after June 30, 2012 but on or before July 31, 2012:

Reasons for amount owing	Period	Amount
Arrears:	May 1, 2012 to July 31, 2012	\$4,200.00
Additional costs the Tenants must pay to the Landlords:		\$170.00
NSF cheque charges:		\$10.00
Administration charges related to NSF cheque charges:		\$40.00
Total the Tenants must pay to continue the tenancy:	On or before July 31, 2012	\$4,420.00

Small Claim Courts Newmarket 416-326-2220
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