

Order under Section 69
Residential Tenancies Act, 2006

File Number: TEL-21728

In the matter of: 76 1/2 Marmora Street
Trenton ON K8V 2J1

I hereby certify this is a true copy of the Order
(Name of Document)
K. K.
(Kate Kotsopoulos)
(Signature of Staff Member)

Between: Tamara Sadowska

Landlord

and

MAR 17 2009

Joyce Faught
Paul Scott

Tenants

LANDLORD AND TENANT BOARD

Tamara Sadowska (T.S.) (the 'Landlord') applied for an order to terminate the tenancy and evict Joyce Faught (J.F.) and Paul Scott (P.S.) (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in Belleville on March 12, 2009.

Only the Landlord's spouse, Wieslaw Sadowski (W.S.), attended the hearing.

Determinations:

1. The Tenants have not paid the total rent they were required to pay for the period from January 1, 2009 to March 31, 2009. Because of the arrears, the Landlord served a Notice of Termination effective February 20, 2009.
2. The Landlord collected a rent deposit of \$650.00 from the Tenants and this deposit is still being held by the Landlord.
3. Interest on the rent deposit is owing to the Tenants for the period from April 1, 2008 to February 20, 2009.
4. 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. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before March 28, 2009 **unless, as per paragraph 8 below, the Tenants pay the outstanding amount owing within the specified time, to void this order and continue the tenancy.**

2. The Tenants shall pay to the Landlord \$951.19*, which represent the amount of rent owing and compensation up to March 17, 2009, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$21.37 per day for compensation for the use of the unit starting March 18, 2009 to the date they move out of the unit.
4. The Tenants shall also pay to the Landlord \$150.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before March 28, 2009, the Tenants will start to owe interest. This will be simple interest calculated from March 29, 2009 at 4.00% annually on the balance outstanding.
6. If the unit is not vacated on or before March 28, 2009, then starting March 29, 2009, 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 March 29, 2009.
8. If, on or before March 28, 2009, the Tenants pay the amount of \$2,100.00** 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 March 29, 2009 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.

March 17, 2009

Date Issued

Toronto East/Durham Region
Unit # 2, 2275 Midland Avenue
Toronto ON M1P 3E7



Claudette Leslie
Member, Landlord and Tenant Board

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 September 29, 2009 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 in the Notice of Termination)	January 1, 2009 to February 20, 2009	\$1,077.40
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	February 21, 2009 to March 17, 2009	\$534.25
Less the rent deposit:		-\$650.00
Less the interest owing on the rent deposit:	April 1, 2008 to February 20, 2009	-\$10.46
Amount owing to the Landlord on the order date:(total of previous boxes)		\$951.19
Additional costs the Tenants must pay to the Landlord:		\$150.00
Plus daily compensation owing for each day of occupation starting March 18, 2009:		\$21.37 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$1,101.19, + \$21.37 per day starting March 18, 2009

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

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2009 to March 31, 2009	\$1,950.00
Additional costs the Tenants must pay to the Landlord:		\$150.00
Total the Tenants must pay to continue the tenancy:	On or before March 28, 2009	\$2,100.00