



Order under Section 69  
**Residential Tenancies Act, 2006**

**File Number:** TEL-10857-20

**In the matter of:** 6, 94 MARMORA STREET  
TRENTON ON K8V2J3

**Between:** 2607276 Ontario Ltd.

Landlord

**and**

Alec Hart  
Donna-Jo Graham

Tenants

2607276 Ontario Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Alec Hart and Donna-Jo Graham (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard via video teleconference on November 27, 2020. Only the Landlord's Legal Representative, Lorrie McCullough attended the hearing. As of 9:23 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 April 1, 2020 to November 30, 2020. Because of the arrears, the Landlord served a Notice of Termination effective April 18, 2020.
2. The Tenants are still in possession of the rental unit.
3. The monthly rent is \$1,295.00.
4. The Landlord collected a rent deposit of \$1,295.00 from the Tenants and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenants for the period from October 1, 2019 to April 18, 2020.
6. The Landlord reached out to the Tenants via text message and email on numerous occasions between the months of April - October 2020 in an attempt to negotiate a repayment plan without success. As a result, I find that the Landlord fulfilled its duties to

attempt resolution of the application during the COVID-19 pandemic pursuant to subsection 83(6) of the Residential Tenancies Act, 2006 (the 'Act').

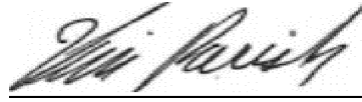
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. In particular, I have considered the fact that the Tenants have not paid anything towards the rent or arrears since the application was filed.

**It is ordered that:**

1. Unless the Tenant voids 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 December 19, 2020.
2. The Tenants shall pay to the Landlord \$9,419.38\*, which represents the amount of rent owing and compensation up to December 8, 2020, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$42.58 per day for compensation for the use of the unit starting December 9, 2020 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 December 19, 2020, the Tenants will start to owe interest. This will be simple interest calculated from December 20, 2020 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 19, 2020, then starting December 20, 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 20, 2020.
8. If, on or before December 19, 2020, the Tenants pay the amount of \$11,830.00\*\* 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 December 20, 2020 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.

**December 8, 2020**

**Date Issued**



Kimberly Parish

Member, Landlord and Tenant Board

Toronto East-RO  
2275 Midland Avenue, Unit 2  
Toronto ON M1P3E7

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 20, 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**

**File Number: TEL-10857-20**

2020 CanLII 120879 (ON LTB)

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears: (up to the termination date in the Notice of Termination)	April 1, 2020 to April 18, 2020	\$766.36
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	April 19, 2020 to December 8, 2020	\$9,963.72
Less the rent deposit:		-\$1,295.00
Less the interest owing on the rent deposit:	October 1, 2019 to April 18, 2020	-\$15.70
<b>Amount owing to the Landlord on the order date:</b> (total of previous boxes)		<b>\$9,419.38</b>
Additional costs the Tenants must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting December 9, 2020:		\$42.58 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$9,594.38, + \$42.58 per day starting December 9, 2020</b>

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	April 1, 2020 to December 31, 2020	\$11,655.00
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 December 19, 2020	<b>\$11,830.00</b>