



## Arrears Worksheet

**File Number:** EAL-93447-21

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

**File Number:** EAL-93447-21

**In the matter of:** B, 12 VICTORIA PARK CRESCENT  
MORRISBURG ON K0C1X0

**Between:** Arlie Locke Landlords  
Carol Locke

**and**

Donald Denny Tenant

Arlie Locke and Carol Locke (the 'Landlords') applied for an order to terminate the tenancy and evict Donald Denny (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

Arlie Locke and Carol Locke (the 'Landlords') applied for an order to terminate the tenancy and evict Donald Denny (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent. The Landlords also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard via videoconference on July 21, 2021.

The Landlords and the Tenant attended the hearing.

### **Determinations:**

1. At the outset the Tenant requested an adjournment as he had to depart soon for a medical appointment. I declined the request and proceeded to hear the application so that the Tenant could depart for his medical appointment.

### L1 Application

2. The Tenant has not paid the total rent the Tenant was required to pay for the period from June 1, 2020 to July 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective October 23, 2020.

3. The Tenant is in possession of the rental unit.
4. The monthly rent is \$748.57.
5. The Landlords collected a rent deposit of \$776.00 from the Tenant and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenant for the period from March 2, 2018 to October 23, 2020.
7. The Tenant paid \$6,791.05 after the application was filed.
8. The NSF charges claimed by the Landlord related to preauthorized withdrawals or automatic debiting rather than NSF cheques. Since subsection 87(5) of the Act does not provide a remedy for a preauthorized withdrawal or automatic debit that fails due to non-sufficient funds, the Landlord's claim for NSF charges is denied.
9. It was uncontested that the arrears owing to the end of July 2021 is \$170.01 plus the application fee of \$201.00.
10. I have considered that the Tenant has paid almost off of the arrears and the balance remaining is nominal and determined that a direction to pay the balance within 30 days would be reasonable.

#### L2 Application

11. The Tenant has persistently failed to pay the rent on the date it was due. For the previous 12 months the ledger shows the Tenant paid late 9 out of 12 months.
12. The Landlord was seeking a pay on time order in lieu of eviction.
13. 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 grant relief from eviction subject to the condition(s) set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

#### It is ordered that:

1. The Tenant shall pay to the Landlord \$371.01, which represents the amount of rent owing (\$170.01) up to July 31, 2021, as well as the application filing fee (\$201.00).
2. If the Tenants do not pay the Landlord the full amount owing on or before September 16, the Tenants will start to owe interest. This will be simple interest calculated from September 17, 2021 at 2.00% annually on the balance outstanding.
3. The Tenants shall pay the monthly rent in full and on time to the Landlord on the first day of each corresponding month for the period 1 September 2021 until 31 August 2022.

4. If the Tenants fails to make any of the payments in accordance with paragraph 3, excluding the costs, and by the dates required, then:
  - (a) The Landlord may apply under section 78 of the Act for an order terminating the tenancy and evicting the Tenants, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 3 of this order the Landlord must make the application within 30 days of a breach of a condition set out in paragraph 3 of this order.

**August 17, 2021**  
**Date Issued**

  
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Robert Patchett  
Member, Landlord and Tenant Board

Eastern-RO  
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Ottawa ON K1P6A9

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.