



**Amended Order**  
Order under Section 69  
**Residential Tenancies Act, 2006**  
**and section 21.1 of the Statutory Powers Procedure Act**

**File Number: TNL-22267-19-AM**

**In the matter of:** 1061 WARBY TRAIL  
NEWMARKET ON L3X3H6

**Between:** Angela Fu Landlord  
  
**and**  
  
Kellie Parlee, Tenants  
Matthew Ryan Collins

Angela Fu (the 'Landlord') applied for an order to terminate the tenancy and evict Kellie Parlee and Matthew Ryan Collins (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe and because the Tenants have been persistently late in paying the rent.

This application was heard in Newmarket on February 26, 2020.

Only the Landlord's Representative, R. Yu, attended the hearing.

**This amended order is issued to correct two clerical errors in the original order issued March 13, 2020. The reference to “Basement” in the identification of the unit has been removed and the spelling of one of the Tenants’ names has been corrected.**

**Determinations:**

*L1 Application*

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from April 1, 2019 to February 29, 2020. Because of the arrears, the Landlord served a Notice of Termination.
2. The Tenant is in possession of the rental unit.
3. The monthly rent as of the date of the hearing is \$2,500.00.
4. The Landlord collected a rent deposit of \$2,500.00 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 January 4, 2019 to March 13, 2020.

6. 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 for the application pertaining to rental arrears pursuant to subsection 83(1) of the Act.

*L2 Application for Persistent Late Payment*

7. I find that the Tenants have been persistently late in paying their rent.
8. The Landlord's representative indicated in the hearing that, in the event the Tenants void the portion of this order pertaining to non-payment of rent, the Landlord is amenable to a conditional "pay on time" order for payments for 12 months commencing April 1, 2020. I consider this position to be reasonable in the circumstances.
9. 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 with respect to the application pertaining to persistent late payment subject to the conditions set out in this order pursuant to subsection 83(1) of the Act.

**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 March 24, 2020.
2. The Tenants shall pay to the Landlord \$7,394.86\*, which represents the amount of rent owing and compensation up to March 13, 2020, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$82.19 per day for compensation for the use of the unit starting March 14, 2020 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$190.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing\* on or before March 24, 2020, the Tenants will start to owe interest. This will be simple interest calculated from March 25, 2020 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before March 24, 2020, then starting March 25, 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 March 25, 2020.
8. If, on or before March 24, 2020, the Tenants pay the amount of \$11,570.00\*\* 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 25, 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.

- 10. If the Tenants void the part of this eviction order further to paragraph 8 of this order then commencing on April 1, 2020 and continuing to March 1, 2021 the Tenants shall pay the monthly rent in full on or before the first day of each month.
- 11. Section 78 of the *Residential Tenancies Act, 2006* applies to this order. If the Tenants fail to make any payment set out in paragraph 10 above, the Landlord may, without notice to the Tenants, apply to the Board for an order terminating the tenancy and evicting the Tenant. In the application the Landlord may request an order for new arrears and NSF charges. The Landlord must make this application no later than 30 days after the Tenants fail to make a payment.

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Lynn Mitchell  
Member, Landlord and Tenant Board

**March 13, 2020**  
**Date Issued**

**August 11, 2020**  
**Date Amended**

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 September 25, 2020 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.

2020 CanLII 117715 (ON LTB)

**Schedule 1  
SUMMARY OF CALCULATIONS**

File Number: TNL-22267-19

2020 CanLII 117715 (ON LTB)

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

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2019 to March 13, 2020	\$9,948.49
Less the rent deposit:		-\$2,500.00
Less the interest owing on the rent deposit:	January 4, 2019 to March 13, 2020	-\$53.63
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$7,394.86</b>
Additional costs the Tenants must pay to the Landlord:		\$190.00
Plus daily compensation owing for each day of occupation starting March 14, 2020:		\$82.19 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$7,584.86, + \$82.19 per day starting March 14, 2020</b>

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

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2019 to March 31, 2020	\$11,380.00
Additional costs the Tenants must pay to the Landlord:		\$190.00
<b>Total the Tenants must pay to continue the tenancy:</b>		<b>\$11,570.00</b>