

Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-04387-19

In the matter of: 1, 85 ST ARNAUD STREET
PORT COLBORNE ON L3K1L9

Between: Jason Gutcher

and

Patricia Marion

I hereby certify this is a
true copy of an Order dated

JUL 09 2019

Landlord and Tenant Board

Landlord

Tenant

Jason Gutcher (the 'Landlord') applied for an order to terminate the tenancy and evict Patricia Marion (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard in St. Catharines on June 27, 2019.

Only the Landlord's Agent, Marissa Rezugui attended the hearing. As of 1:50 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.


Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from April 1, 2019 to June 30, 2019. Because of the arrears, the Landlord served a Notice of Termination effective May 1, 2019.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$995.00.
4. The Landlord collected a rent deposit of \$995.00 from the Tenant and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenant for the period from July 1, 2018 to May 1, 2019.
6. The Tenant paid \$995.00 after the application was filed.
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.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before July 20, 2019.
2. The Tenant shall pay to the Landlord \$424.72*, which represents the amount of rent owing and compensation up to July 9, 2019, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$32.71 per day for compensation for the use of the unit starting July 10, 2019 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$175.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before July 20, 2019, the Tenant will start to owe interest. This will be simple interest calculated from July 21, 2019 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 20, 2019, then starting July 21, 2019, 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 July 21, 2019.
8. If, on or before July 20, 2019, the Tenant pays the amount of \$2,305.00** 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 Tenant 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 Tenant 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 July 21, 2019 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

July 9, 2019
Date Issued


Cristina De Leon-Culp
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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 January 21, 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.



**Schedule 1
SUMMARY OF CALCULATIONS**

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A. Amount the Tenant must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	April 1, 2019 to May 1, 2019	\$172.71
Less the amount the Tenant paid to the Landlord		-\$995.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	May 2, 2019 to July 9, 2019	\$2,256.99
Less the rent deposit:		-\$995.00
Less the interest owing on the rent deposit:	July 1, 2018 to May 1, 2019	-\$14.98
Amount owing to the Landlord on the order date: (total of previous boxes)		\$424.72
Additional costs the Tenant must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting July 10, 2019:		\$32.71 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$599.72, + \$32.71 per day starting July 10, 2019

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

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2019 to July 31, 2019	\$3,125.00
Less the amount the Tenant paid to the Landlord		-\$995.00
Additional costs the Tenant must pay to the Landlord:		\$175.00
Total the Tenant must pay to continue the tenancy:	On or before July 20, 2019	\$2,305.00