



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

**File Number:** TEL-13310-20

**In the matter of:** 1, 142 WALTON STREET  
PORT HOPE ON L1A1N6

**Between:** Xizhen Chai

**and**

Dylan Morris  
Miranda Hoffman

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

**08/04/2021**

LL

Landlord and Tenant Board

Landlord

Tenants

Xizhen Chai (the 'Landlord') applied for an order to terminate the tenancy and evict Miranda Hoffman and Dylan Morris (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 9, 2021.

Only the Landlord attended the hearing. As of 11:42 a.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 Tenants have not paid the total rent the Tenants were required to pay for the period from September 1, 2020 to June 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective November 2, 2020.
2. The Landlord collected a rent deposit of \$1,550.00 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 December 1, 2019 to November 2, 2020.
4. The Tenants are still in possession of the unit.
5. The monthly rent is \$1,500.00.
6. At the hearing, the Landlord advised that the Tenants owed \$13,786.00, including arrears of rent to June 30, 2021 (\$13,600.00) and the application filing fee (\$186.00).

7. Since the hearing, other rental periods have begun, and other monthly rents became due. Therefore, the total owing in this order include the rent for July and August 2021. However, if the Tenants paid the Landlord the rent for July and August 2021 or made any other payments to the Landlord after the hearing, the Landlord shall deduct those payments from the total owing in this order
8. 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. Based on the uncontested evidence provided by the Landlord at the hearing, I find that the Tenants failed to pay their rent and I have no reason to deny the eviction requested by the Landlord.

**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 August 15, 2021.
2. The Tenants shall pay to the Landlord \$13,680.06\*, which represents the amount of rent owing and compensation up to August 4, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$49.32 per day for compensation for the use of the unit starting August 5, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing\* on or before August 15, 2021, the Tenants will start to owe interest. This will be simple interest calculated from August 16, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 15, 2021, then starting August 16, 2021, 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 August 16, 2021.
8. If, on or before August 15, 2021, the Tenants pay the amount of \$16,786.00\*\* 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 August 16, 2021 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.

**August 4, 2021**  
**Date Issued**

  
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Poeme Manigat  
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 February 16, 2022 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-13310-20

**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)	September 1, 2020 to November 2, 2020	\$1,698.63
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	November 3, 2020 to August 4, 2021	\$13,563.00
Less the rent deposit:		-\$1,550.00
Less the interest owing on the rent deposit:	December 1, 2019 to November 2, 2020	-\$31.57
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$13,680.06</b>
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting August 5, 2021:		\$49.32 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$13,866.06, + \$49.32 per day starting August 5, 2021</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:	September 1, 2020 to August 31, 2021	\$16,600.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before August 15, 2021	<b>\$16,786.00</b>