



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-42272-12

In the matter of: 7, 22 THE RIDGEWAY
LONDON ON N6C1A1

Between: David Russell

I certify this is a true copy of the order

Landlord

and

Staff Member

Chris Perry

Dated: JAN 15 2013

Tenant

Landlord and Tenant Board

David Russell (the 'Landlord') applied for an order to terminate the tenancy and evict Chris Perry (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard in London on January 14, 2013. The Landlord attended the hearing. As of 10:15 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing as it appears from the Certificate of Service.

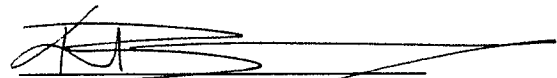
Determinations:

1. The Tenant has not paid the total rent he was required to pay for the period from December 8, 2011 to February 7, 2013. Because of the arrears, the Landlord served a Notice of Termination effective November 27, 2012.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$635.00.
4. The Landlord collected a rent deposit of \$595.00 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 December 9, 2011 to November 27, 2012.
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 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 January 26, 2013.
2. The Tenant shall pay to the Landlord \$2,617.90*, which represents the amount of rent owing and compensation up to January 15, 2013, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$20.88 per day for compensation for the use of the unit starting January 16, 2013 to the date he moves out of the unit.
4. The Tenant shall also pay to the Landlord \$170.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before January 26, 2013, the Tenant will start to owe interest. This will be simple interest calculated from January 27, 2013 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 26, 2013, then starting January 27, 2013, 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 January 27, 2013.
8. If, on or before January 26, 2013, the Tenant pays the amount of \$3,301.56** 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 January 27, 2013 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.

January 15, 2013
Date Issued


Kim Bugby
Vice-Chair, Landlord and Tenant Board

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

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 July 27, 2013 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: SWL-42272-12

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)	December 8, 2011 to November 27, 2012	\$2,207.76
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	November 28, 2012 to January 15, 2013	\$1,023.12
Less the rent deposit:		-\$595.00
Less the interest owing on the rent deposit:	December 9, 2011 to November 27, 2012	-\$17.98
Amount owing to the Landlord on the order date: (total of previous boxes)		\$2,617.90
Additional costs the Tenant must pay to the Landlord:		\$170.00
Plus daily compensation owing for each day of occupation starting January 16, 2013:		\$20.88 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$2,787.90, + \$20.88 per day starting January 16, 2013

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

Reasons for amount owing	Period	Amount
Arrears:	December 8, 2011 to February 7, 2013	\$3,131.56
Additional costs the Tenant must pay to the Landlord:		\$170.00
Total the Tenant must pay to continue the tenancy:	On or before January 26, 2013	\$3,301.56