



Order under Section 69
Residential Tenancies Act, 2006

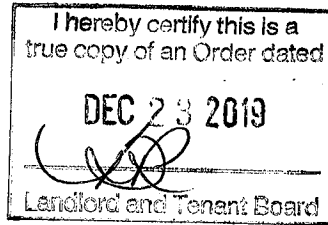
File Number: SWL-37752-19

In the matter of: USE, 300 PRINCESS AVENUE
LONDON ON N6B2A6

Between: David Russell

and

Peter Teny



Landlord

Tenant

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

This application was heard in London on December 16, 2019. The Landlord attended the hearing. As of 10:34 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 Tenant has not paid the total rent the Tenant was required to pay for the period from April 1, 2019 to December 31, 2019. Because of the arrears, the Landlord served a Notice of Termination effective October 31, 2019.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$514.09.
4. The Landlord collected a rent deposit of \$505.00 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 April 1, 2018 to November 1, 2019.
6. The Tenant paid \$514.09 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:

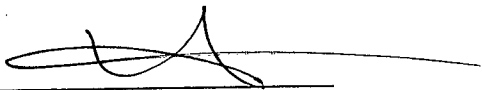
1. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before January 3, 2020.

2. The Tenant shall pay to the Landlord \$2,965.35*, which represents the amount of rent owing and compensation up to December 23, 2019, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$16.90 per day for compensation for the use of the unit starting December 24, 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 January 3, 2020, the Tenant will start to owe interest. This will be simple interest calculated from January 4, 2020 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 3, 2020, then starting January 4, 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 January 4, 2020.
8. If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlord or to the Board in trust:
 - i) \$3,792.27 if the payment is made on or before December 31, 2019, or
 - ii) \$4,306.36 if the payment is made on or before January 3, 2020**.If the Tenant does not make full payment in accordance with this paragraph and by the appropriate deadline, then 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 4, 2020 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.

December 23, 2019

Date Issued

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


Lorraine Mathers
Member, Landlord and Tenant Board

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 4, 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**

File Number: SWL-37752-19

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

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2019 to November 1, 2019	\$3,120.08
Less the amount the Tenant paid to the Landlord		-\$514.09
Plus compensation:	November 2, 2019 to December 23, 2019	\$878.80
Less the rent deposit:		-\$505.00
Less the interest owing on the rent deposit:	April 1, 2018 to November 1, 2019	-\$14.44
Amount owing to the Landlord on the order date: (total of previous boxes)		\$2,965.35
Additional costs the Tenant must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting December 24, 2019:		\$16.90 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$3,140.35, + \$16.90 per day starting December 24, 2019

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

1. If the payment is made on or before December 31, 2019:

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2019 to December 31, 2019	\$4,131.36
Less the amount the Tenant paid to the Landlord:		-\$514.09
Additional costs the Tenant must pay to the Landlord:		\$175.00
Total the Tenant must pay to continue the tenancy:	On or before December 31, 2019	\$3,792.27

2. If the payment is made after December 31, 2019 but on or before January 3, 2020:

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2019 to January 31, 2020	\$4,645.45
Less the amount the Tenant paid to the Landlord:		-\$514.09
Additional costs the Tenant must pay to the Landlord:		\$175.00
Total the Tenant must pay to continue the tenancy:	On or before January 3, 2020	\$4,306.36