



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

**File Number:** TEL-11487-20

**In the matter of:** MAIN FLOOR UPPER, 352 GARDEN COURT  
OSHAWA ON L1J3E4

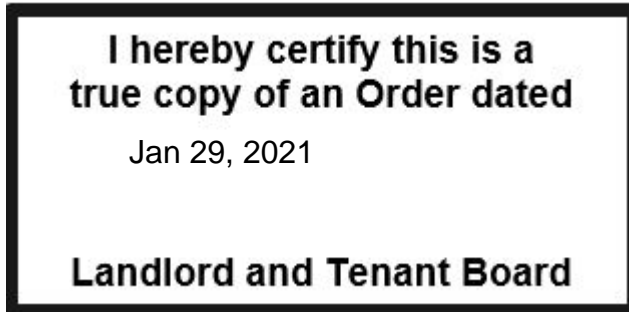
**Between:** Carlton Ten  
Mary Ten

Landlords

**and**

Dustin Pelley  
Shannon Franssen

Tenants



Carlton Ten and Mary Ten (the 'Landlords') applied for an order to terminate the tenancy and evict Shannon Franssen and Dustin Pelley (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by video conference on December 2, 2020.

Only the Landlord's Legal Representative, C. Aylwin, attended the hearing. As of 3:04 p.m. the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

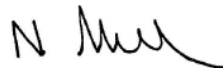
**Determinations:**

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from June 1, 2020 to December 31, 2020. Because of the arrears, the Landlords served a Notice of Termination effective June 18, 2020.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$1,800.00.
4. The Tenants paid \$2,938.00 after the application was filed.
5. The Landlords collected a rent deposit of \$1,800.00 from the Tenants and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenants for the period from March 26, 2020 to June 18, 2020.
7. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the

Tenant, 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 Tenants void the order as set out below, the tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before February 9, 2021.
2. The Tenants shall pay to the Landlords \$9,633.49\*, which represents the amount of rent owing and compensation up to January 29, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$59.18 per day for compensation for the use of the unit starting January 30, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlords \$175.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing\* on or before February 9, 2021, the Tenants will start to owe interest. This will be simple interest calculated from February 10, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before February 9, 2021, then starting February 10, 2021, the Landlords 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 Landlords, on or after February 10, 2021.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlords or to the Board in trust:
  - i) \$11,637.00 if the payment is made on or before January 31, 2021, or
  - ii) \$13,437.00 if the payment is made on or before February 9, 2021\*\*.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlords 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 February 10, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.



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Nicola Mulima  
Member, Landlord and Tenant Board

**January 29, 2021**  
**Date Issued**

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 August 10, 2021 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-11487-20

**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)	June 1, 2020 to June 18, 2020	\$1,065.21
Less the amount the Tenants paid to the Landlords		-\$2,938.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	June 19, 2020 to January 29, 2021	\$13,315.50
Less the rent deposit:		-\$1,800.00
Less the interest owing on the rent deposit:	March 26, 2020 to June 18, 2020	-\$9.22
Amount owing to the Landlords on the order date: (total of previous boxes)		<b>\$9,633.49</b>
Additional costs the Tenants must pay to the Landlords:		\$175.00
Plus daily compensation owing for each day of occupation starting January 30, 2021:		\$59.18 (per day)
<b>Total the Tenants must pay the Landlords if the tenancy is terminated:</b>		<b>\$9,808.49, + \$59.18 per day starting January 30, 2021</b>

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

**1. If the payment is made on or before January 31, 2021:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	June 1, 2020 to January 31, 2021	\$14,400.00
Less the amount the Tenants paid to the Landlords:		-\$2,938.00
Additional costs the Tenants must pay to the Landlords:		\$175.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before January 31, 2021	<b>\$11,637.00</b>

2. If the payment is made after January 31, 2021 but on or before February 9, 2021:

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	June 1, 2020 to February 28, 2021	\$16,200.00
Less the amount the Tenants paid to the Landlords:		-\$2,938.00
Additional costs the Tenants must pay to the Landlords:		\$175.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before February 9, 2021	<b>\$13,437.00</b>