



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

Citation: Trevor Bodogh v Samantha Deboer, 2023 ONLTB 48430

Date: 2023-07-10

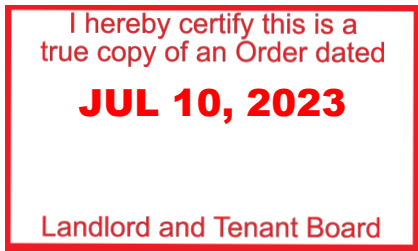
File Number: LTB-L-035871-22

In the matter of: UPPER, 602 VINE ST
ST CATHARINES ON L2M3V5

Between: Trevor Bodogh

And

Samantha Deboer



Landlord

Tenant

Trevor Bodogh (the 'Landlord') applied for an order to terminate the tenancy and evict Samantha Deboer (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes and because the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on June 27, 2023.

The Landlord, the Landlord's representative, Kenia Afolabi, and the Tenant attended the hearing. The Tenant met with Duty Counsel prior to the hearing.

At the hearing, the parties engaged in mediation. As a result of the resolution discussion, the parties mutually agreed to resolve all matters in the tenancy for the period up to the date of the hearing. They requested an order on consent. The parties agreed that:

1. The tenancy is terminated in a final way and without voiding provisions. The Tenant shall move out of the unit on or before August 31, 2023.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$2,280.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$74.96. This amount is calculated as follows: \$2,280.00 x 12, divided by 365 days.
5. The Tenant has paid \$8,150.00 to the Landlord since the application was filed.
6. The rent arrears owing to June 30, 2023 are \$22,115.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,200.00 from the Tenant and this deposit is still being held by the Landlord.
9. Interest on the rent deposit, in the amount of \$77.33 is owing to the Tenant for the period from July 25, 2020 to June 27, 2023.
10. Provided that the Tenant vacates the rental unit and returns the unit keys to the Landlord on or before August 31, 2023, the Landlord shall waive the total amount the Tenant owes the Landlord.

I was satisfied that the parties understood the terms and consequences of their consent.

On consent, it is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before August 31, 2023.
2. The Tenant shall pay to the Landlord \$19,767.59. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. The Tenant shall also pay the Landlord compensation of \$74.96 per day for the use of the unit starting June 28, 2023 until the date the Tenant moves out of the unit.
4. If the Tenant does not pay the Landlord the full amount owing on or before August 31, 2023, the Tenant will start to owe interest. This will be simple interest calculated from September 1, 2023 at 6.00% annually on the balance outstanding.
5. If the unit is not vacated on or before August 31, 2023, then starting September 1, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 September 1, 2023.
7. **Provided that the Tenant vacates the rental unit and returns the unit keys to the Landlord on or before August 31, 2023, the Landlord shall waive the total amount the Tenant owes the Landlord as set out in this order.**

July 10, 2023
Date Issued



Nancy Fahlgren
Hearing Officer, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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 March 1, 2024 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.

**Schedule 1
SUMMARY OF CALCULATIONS**

Amount the Tenant must pay the Landlord (unless the Tenant vacates the rental unit and returns the unit keys to the Landlord on or before August 31, 2023)

Rent Owing To Hearing Date	\$30,008.92
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$8,150.00
Less the amount of the last month's rent deposit	- \$2,200.00
Less the amount of the interest on the last month's rent deposit	- \$77.33
Total amount owing to the Landlord	\$19,767.59
Plus daily compensation owing for each day of occupation starting June 28, 2023	\$74.96 (per day)