



March 07, 2024

James W. Campbell

Landlord and Tenant Board

AMENDED ORDER
Order under Section 69
Residential Tenancies Act, 2006
and section 21.1 of the Statutory Powers Procedure Act

Citation: Knowles v Cummings, 2024 ONLTB 2853

Date: ~~2024-01-17~~ **2024-03-07**

File Number: LTB-L-033685-23-AM

In the matter of: 198 Water Street
South, Upper Unit, St. Marys ON N4X1B5

Between: Donna Knowles and **Brenda Alderson** Landlords

And

Ron Cummings Tenant

This amended order is issued to correct clerical errors in the original order. The corrections have been bolded and underlined for ease of reference.

Donna Knowles and **Brenda Alderson** (the 'Landlord') applied for an order to terminate the tenancy and evict Ron Cummings (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on November 21, 2023.

Only the Landlord attended the hearing.

As of 2:29 pm, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlords' evidence.

Determinations:

1. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$650.00. It is due on the 4th day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$21.37. This amount is calculated as follows: \$650.00 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.

6. The rent arrears owing to December 3, 2023 are \$9,750.00.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$600.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated. Interest on the deposit in the amount of \$133.58 is owing to the Tenant.
9. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of COVID-19 on the parties and whether the Landlords 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. The tenancy between the Landlords and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlords or to the LTB in trust:**
 - **\$11,326.00** if the payment is made on or before January 28, 2024. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after January 28, 2024 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before January 28, 2024**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlords **\$8,945.98**. 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 Landlords owes on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
6. The Tenant shall also pay the Landlords compensation of \$21.37 per day for the use of the unit starting November 22, 2023 until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlords the full amount owing on or before January 28, 2024, the Tenant will start to owe interest. This will be simple interest calculated from January 29, 2024 at 7.00% annually on the balance outstanding.
8. If the unit is not vacated on or before January 28, 2024, then starting January 29, 2024, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

9. 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 January 29, 2024.

January 17, 2024
Date Issued

James W. Campbell

James Campbell
Member, Landlord and Tenant Board

March 07, 2024
Date Amended

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 July 29, 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

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before January 28, 2024

Rent Owing To February 3, 2024	\$11,050.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlords since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlords owes the Tenant for an{abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total the Tenant must pay to continue the tenancy	\$11,326.00

B. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$9,493.56
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlords since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$600.00
Less the amount of the interest on the last month's rent deposit	- \$133.58
Less the amount the Landlords owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlords	\$8,945.98
Plus daily compensation owing for each day of occupation starting November 22, 2023	\$21.37 (per day)

ONTARIO
SUPERIOR COURT OF JUSTICE

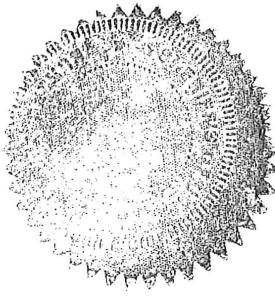
Eviction

Between:

Reference File No.: LTB-L-033685-23

Order Date: 07-Mar-24

Additional Court Files:



DONNA KNOWLES AND BRENDA ALDERSON

Landlord/Mortgagee

- and -

RON CUMMINGS

Tenant/Mortgagor/Any
other occupant

NOTICE TO VACATE

TO: Tenant/Mortgagor/Any other occupant

I AM NOTIFYING YOU that by virtue of an order for vacant possession issued out of the:

LANDLORD AND TENANT BOARD

directed to me as sheriff to enforce, I COMMAND YOU to vacate the premises municipally

known as

198 WATER STREET SOUTH, UPPER UNIT
ST. MARY, ON
N4X 1B5

on or before ^{dd-mmm-yy} 28-Mar-24 at 08:30 a.m.

AND FURTHER TAKE NOTICE that if you fail to VACATE the premises as directed by the above referenced order by the date shown, I will, without further notice to you, carry out the order as directed.

DATED at Stratford

this March 8, 2024

Sheriff

The order is being executed pursuant to the instructions of:

PHONE: 519-271-1850

BRIANNA SYKES (226) 906-0906 EXT:

FAX: 519-271-8080

Landlord/Agent or Mortgagee/Agent