



Order under Section 69
Residential Tenancies Act, 2006

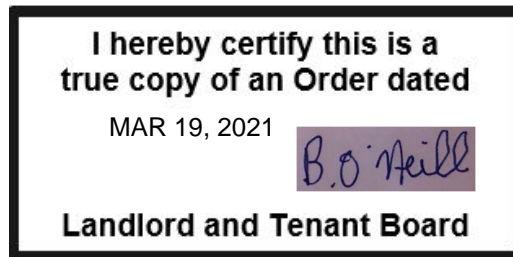
File Number: TNL-27776-20

In the matter of: 2B, 75 ROSEMOUNT AVENUE
YORK ON M9N3B5

Between: Fernando Gaspar
Margarida Gaspar

and

Brittany Morningstar



Landlords

Tenant

Fernando Gaspar and Margarida Gaspar (the 'Landlords') applied for an order to terminate the tenancy and evict Brittany Morningstar (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard via videoconference on March 1, 2021.

The Landlords, the Landlords' Legal Representative, Peter Balatidis, and the Tenant attended the hearing.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from April 1, 2020 to March 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective August 25, 2020.
2. The monthly rent is \$1,700.00
3. The Tenant is still in possession of the rental unit.
4. The Landlords collected a rent deposit of \$1,700.00 from the Tenant and this deposit is still being held by the Landlords.
5. Interest on the rent deposit is owing to the Tenant for the period from February 21, 2020 to August 25, 2020.
6. The parties agree that the amount outstanding to March 31, 2021, inclusive of rent arrears (\$19,400.00) and costs (\$186.00), is less the rent deposit in the amount of \$1,700.00 and interesting owing on the rent deposit from February 21, 2020 to August 25, 2020.

7. The parties agreed that the Tenant would vacate the rental unit on March 7, 2021.

On consent of the parties, it is ordered that:

1. The tenancy is terminated as of March 7, 2021. The Tenant must move out of the rental unit on or before March 7, 2021.
2. The Tenant shall pay to the Landlords \$15,820.75*, which represents the amount of rent owing and compensation up to March 7, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. In the event that the Tenant does not vacate the unit as planned on March 7, 2021, the Tenant shall also pay to the Landlords \$55.89 per day for compensation for the use of the unit starting March 8, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing* on or before March 7, 2021, the Tenant will start to owe interest. This will be simple interest calculated from March 8, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before March 7, 2021, then starting March 8, 2021, 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 Landlords, on or after March 8, 2021.



March 19, 2021
Date Issued

Tavlin Kaur
Member, Landlord and Tenant Board

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

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 October 12, 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.

**Schedule 1
SUMMARY OF CALCULATIONS**

File Number: TNL-27776-20

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)	April 1, 2020 to August 25, 2020	\$6,697.26
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	August 26, 2020 to March 31, 2021	\$12,184.02
Less the rent deposit:		-\$1,700.00
Less the interest owing on the rent deposit:	February 21, 2020 to August 25, 2020	-\$19.17
Amount owing to the Landlords on the order date:(total of previous boxes)		\$17,162.11
Additional costs the Tenant must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting April 1, 2021:		\$55.89 (per day)
Total the Tenant must pay the Landlords if the tenancy is terminated:		\$17,348.11, + \$55.89 per day starting March 8, 2021