

Order under Section 69  
Residential Tenancies Act, 2006

File Number: SOL-57428-15

In the matter of: 1, 2251 MOUNTAINSIDE DRIVE  
BURLINGTON ON L7P1B6

Between: Bayside Property Management Inc

Landlord

and

Michael Covetti  
Sarah Clark  
Tammy Wilson

I certify this is a true copy of the Order/Report.

Tenants

Dated: 22/4/2015 F.Z  
Landlord and Tenant Board

Bayside Property Management Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Covetti, Tammy Wilson and Sarah Clark (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe; and because they have been persistently late in paying their rent. The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

The applications were heard in Burlington on April 17, 2015. The Landlord's Legal Representative, Ruth Lewis and the Tenant, Tammy Wilson attended the hearing.

At the hearing the parties agreed to the following order on consent. I am satisfied that the parties understand the consequences of their agreement.

On consent, it is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before April 30, 2015.
2. The Tenants shall pay to the Landlord \$2,245.82\*, which represents the amount of rent owing and compensation up to April 22, 2015, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$39.45 per day for compensation for the use of the unit starting April 23, 2015 to the date they move out of the unit.
4. The Tenants shall also pay to the Landlord \$170.00 for the cost of filing the application.

5. If the Tenants do not pay the Landlord the full amount owing\* on or before May 3, 2015, the Tenants will start to owe interest. This will be simple interest calculated from May 4, 2015 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before April 30, 2015, then starting May 1, 2015, 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 May 1, 2015.
8. If, on or before April 30, 2015, the Tenants pay the amount of \$4,070.00\*\* to the Landlord or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated and the Tenants could remain in the unit. If this payment is not made in full and on time, the Landlord 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 May 1, 2015 but before the Sheriff gives vacant possession to the Landlord. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlord.
10. Starting May 1, 2015, the Tenants shall pay to the Landlord the monthly rent, when due, on or before the first day of each month for the next twelve consecutive months.
11. If the Tenants do not comply with paragraph 10 above, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') to terminate the tenancy and evict the Tenants.

**April 22, 2015**  
Date Issued

Southern-RO  
119 King Street West, 6th Floor  
Hamilton ON L8P4Y7

  
Enza Buffa  
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 November 1, 2015 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: SOL-57428-15**

**A. Amount the Tenants must pay if the tenancy is terminated:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
<b>Arrears:</b> (up to the termination date in the Notice of Termination)	January 1, 2015 to February 25, 2015	\$1,286.30
<b>Plus compensation:</b> (from the day after the termination date in the Notice to the date of the order)	February 26, 2015 to April 22, 2015	\$2,209.20
<b>Less the rent deposit:</b>		-\$1,240.00
<b>Less the interest owing on the rent deposit:</b>	September 1, 2014 to February 25, 2015	-\$9.68
<b>Amount owing to the Landlord on the order date:</b> (total of previous boxes)		<b>\$2,245.82</b>
<b>Additional costs the Tenants must pay to the Landlord:</b>		<b>\$170.00</b>
<b>Plus daily compensation owing for each day of occupation starting April 23, 2015:</b>		\$39.45 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$2,415.82, + \$39.45 per day starting April 23, 2015</b>

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
<b>Arrears:</b>	January 1, 2015 to April 30, 2015	\$3,900.00
<b>Additional costs the Tenants must pay to the Landlord:</b>		\$170.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before April 30, 2015	<b>\$4,070.00</b>

Order under Section 78(6)  
Residential Tenancies Act, 2006

File Number: SOL-67058-16

In the matter of: 1, 2251 MOUNTAINSIDE DRIVE  
BURLINGTON ON L7P1B6


Between: Ruth Lewis  
Bayside Property Management

Landlords

and

Michael Covetti  
Sarah Clark  
Tammy Wilson

Tenants

Received by a court official  
Date: Jan 26/16  
  
I hereby certify this is a true copy of an Order

and Ruth Lewis and Bayside Property Management (the 'Landlords') applied for an order to terminate the tenancy and evict Michael Covetti, Tammy Wilson and Sarah Clark (the 'Tenants') because they failed to meet a condition specified in order SOL-57428-15 issued on April 22, 2015.

**Determinations:**

1. The order provided that the Landlords could apply to the Board under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if they did not meet certain condition(s) specified in the order.
2. I find that the Tenants have not met the following condition specified in the order: the Tenants did not pay the lawful rent for January on or before January 1, 2016.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before February 6, 2016.
2. If the unit is not vacated on or before February 6, 2016, then starting February 7, 2016, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

3. 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 7, 2016.

**January 26, 2016**

**Date Issued**

Southern-RO  
119 King Street West, 6th Floor  
Hamilton ON L8P4Y7



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**Petar Guzina**  
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 August 7, 2016 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.



## NOTICE OF HEARING AND STAY OF ORDER

Under section 174 and Subsection 74(13), 77(7) or 78(10) of the *Residential Tenancies Act, 2006*

The Landlord and Tenant Board has scheduled a hearing

between: **BAYSIDE PROPERTY MANAGMENT, RUTH LEWIS**

and **SARAH CLARK, MICHAEL COVETTI  
TAMMY WILSON**

concerning the rental unit located at:

**1, 2251 MOUNTAINSIDE DRIVE BURLINGTON ON L7P 1B6**

### The original order is stayed:

Order number **SOL-67058-16** issued on January 26, 2016 is stayed. This means that the landlord cannot enforce the order until the attached motion is decided.

The tenant should give a copy of this notice and the motion to the Court Enforcement Office (Sheriff) as quickly as possible to ensure that the order is not enforced before the Board makes a decision.

### Purpose of the hearing:

The tenant has filed a motion to set aside order **SOL-67058-16**. A hearing has been scheduled to consider the issues raised in the attached motion.

### Hearing time and place:

**When: Friday, March 04, 2016 10:00 AM**

**Where: Burlington RM 1, 2331 New Street, Burlington ON L7R1J4  
Public Library Centennial Room**

**You must arrive at 9:30 AM to sign in for your hearing.**

It is very important for you to attend the hearing. If you are late, or if you do not attend your hearing, it may take place without you.

If you cannot attend the hearing, you should send someone who has your written permission to represent you. If you or your representative do not attend, the Board may hold the hearing without you and you will not be sent any further notice of the proceedings.

