



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-13275-20

In the matter of: UNIT 1, 208 WILSON STREET
HAMILTON ON L8R1E5

Between: Shay Schwartzman
Evan Trestan

Landlords

and

David Clark

Tenant



Shay Schwartzman and Evan Trestan (the 'Landlords') applied for an order to terminate the tenancy and evict David Clark (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on September 22, 2020. The Landlord attended the hearing. 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 January 1, 2020 to September 30, 2020. Because of the arrears, the Landlords served a Notice of Termination effective February 19, 2020.
2. The Tenant is in possession.
3. The lawful monthly rent is \$890.75.
4. The Landlords collected a rent deposit of \$875.00 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 November 1, 2019 to February 19, 2020.
6. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The tenant has failed to pay rent for nine months. He has not made any attempts to repay some of the arrears. Furthermore, the Tenant did not provide any reasons as to why he should be granted relief from eviction.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before October 13, 2020.
2. The Tenant shall pay to the Landlords \$7,886.31*, which represents the amount of rent owing and compensation up to October 26, 2020, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenant shall also pay to the Landlords \$29.28 per day for compensation for the use of the unit starting October 27, 2020 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords \$175.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing* on or before November 6, 2020, the Tenant will start to owe interest. This will be simple interest calculated from November 7, 2020 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 13, 2020, then starting October 14, 2020, 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 October 14, 2020.
8. If, on or before October 13, 2020, the Tenant pays the amount of \$9,082.50** to the Landlords or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated and the Tenant could remain in the unit. If this payment is not made in full and on time, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. The Tenant 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 October 14, 2020 but before the Sheriff gives vacant possession to the Landlords. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

October 26, 2020
Date Issued

Southern-RO



Tavlin Kaur
Member, Landlord and Tenant Board

119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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 April 14, 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.