

Order under Section 21.2 of the
Statutory Powers Procedure Act
and the **Residential Tenancies Act, 2006**

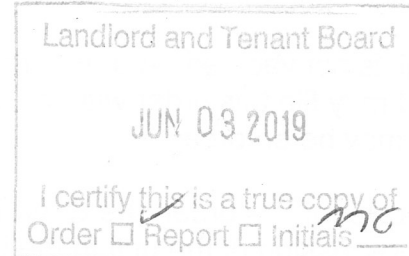
File Number: CEL-83084-19-RV

In the matter of: UPPER LEVEL, 82 SHALOM WAY
BARRIE ON L4N5Y4

Between: Wei Yu

and

Thomas Bradley Smith



Landlord

Tenant

Review Order

Wei Yu (the 'Landlord') applied for an order to terminate the tenancy and evict Thomas Bradley Smith (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order CEL-83084-19 issued on April 3, 2019.

On May 2, 2019, the Tenant requested a review of the order.

On May 2, 2019, interim order CEL-83084-RV-IN was issued staying the order CEL-83084-19 issue don April 3, 2019 to determine whether the or not the Tenant was able reasonably able to participate in the hearing.

The request was heard in Barrie on May 31, 2019.

The Landlord's Representative, H. Tavroges and the Tenant attended the hearing.

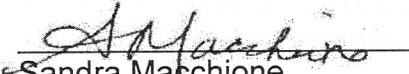
The parties requested a consent order as follows:

On consent it is ordered that:

1. The review is granted. Interim Order CEL-83084-19-RV-IN issued on May 2, 2019 is cancelled.
2. Order CEL-83084-19 issued on April 3, 2019 is cancelled and replaced with the following:
3. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before June 14, 2019.

4. The Tenant shall pay to the Landlord \$1,472.91*, which represents the amount of rent owing and compensation up to June 3, 2019, less the rent deposit and interest the Landlord owes on the rent deposit.
5. The Tenant shall also pay to the Landlord \$52.60 per day for compensation for the use of the unit starting June 4, 2019 to the date the Tenant moves out of the unit.
6. The Tenant shall also pay to the Landlord \$175.00 for the cost of filing the application.
7. If the unit is not vacated on or before June 14, 2019, then starting June 15, 2019, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 June 15, 2019.
9. If, on or before June 14, 2019, the Tenant pays the amount of \$4,805.00** 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 Tenant 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.
10. 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 June 15, 2019 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

June 3, 2019
Date Issued


Sandra Macchione
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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 December 15, 2019 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: CEL-83084-19

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)	December 1, 2018 to February 4, 2019	\$2,460.41
Less the amount the Tenant paid to the Landlord		-\$5,620.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	February 5, 2019 to June 3, 2019	\$6,259.40
Less the rent deposit:		-\$1,600.00
Less the interest owing on the rent deposit:	March 1, 2018 to February 4, 2019	-\$26.90
Amount owing to the Landlord on the order date: (total of previous boxes)		\$1,472.91
Additional costs the Tenant must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting June 4, 2019:		\$52.60 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$1,647.91, + \$52.60 per day starting June 4, 2019

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

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2018 to June 30, 2019	\$10,250.00
Less the amount the Tenant paid to the Landlord		-\$5,620.00
Additional costs the Tenant must pay to the Landlord:		\$175.00
Total the Tenant must pay to continue the tenancy:	On or before June 14, 2019	\$4,805.00