

Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-87186-17

In the matter of: 514 CANNON STREET EAST
HAMILTON ON L8L2E7

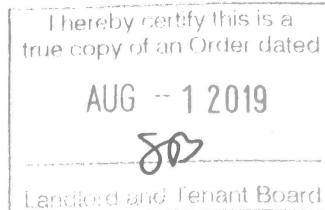
Between: Fiona Macdonald

Landlord

and

Natasha Bevan
Trevor Busby

Tenants



Fiona Macdonald (the 'Landlord') applied for an order to terminate the tenancy and evict Trevor Busby and Natasha Bevan (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in Hamilton on November 28, 2017. Only the Landlord attended the hearing. As of 10:43 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent they were required to pay for the period from June 1, 2017 to November 30, 2017. Because of the arrears, the Landlord served a Notice of Termination effective September 24, 2017.
2. The Tenants are in possession of the rental unit.
3. The monthly rent is \$1,150.00
4. The Tenants have made no payments since the application was filed.
5. The Landlord collected a rent deposit of \$1,150.00 from the Tenants and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenants for the period from September 24, 2016 to September 24, 2017.
7. 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.

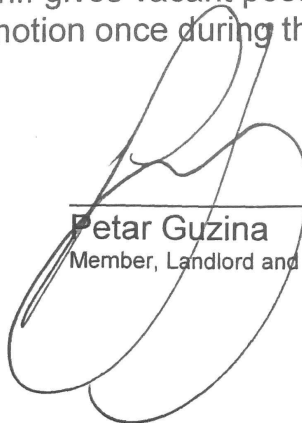
It is ordered that:

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 December 12, 2017.
2. The Tenants shall pay to the Landlord \$3,961.17*, which represents the amount of rent owing and compensation up to December 1, 2017, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$37.81 per day for compensation for the use of the unit starting December 2, 2017 to the date they move out of the unit.
4. The Tenants shall also pay to the Landlord \$190.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before December 12, 2017, the Tenants will start to owe interest. This will be simple interest calculated from December 13, 2017 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 12, 2017, then starting December 13, 2017, 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 December 13, 2017.
8. If, on or before December 12, 2017, the Tenants pay the amount of \$6,430.00** 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 December 13, 2017 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.

December 1, 2017

Date Issued

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



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 June 13, 2018 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**

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

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	June 1, 2017 to September 24, 2017	\$2,557.40
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	September 25, 2017 to December 1, 2017	\$2,571.08
Less the rent deposit:		-\$1,150.00
Less the interest owing on the rent deposit:	September 24, 2016 to September 24, 2017	-\$17.31
Amount owing to the Landlord on the order date: (total of previous boxes)		\$3,961.17
Additional costs the Tenants must pay to the Landlord:		\$190.00
Plus daily compensation owing for each day of occupation starting December 2, 2017:		\$37.81 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$4,151.17, + \$37.81 per day starting December 2, 2017

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

Reasons for amount owing	Period	Amount
Arrears:	June 1, 2017 to December 31, 2017	\$6,240.00
Additional costs the Tenants must pay to the Landlord:		\$190.00
Total the Tenants must pay to continue the tenancy:	On or before December 12, 2017	\$6,430.00