



Order under Section 69
Residential Tenancies Act, 2006

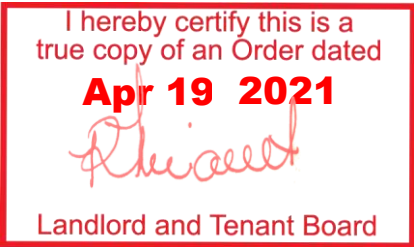
File Number: EAL-91724-20

In the matter of: 5086 FRANK KENNY ROAD
VARS ON K0A3H0

Between: Isabelle Lessard
Patrice Malette

and

Louis Faubert
Paulyne Martineau



Landlords

Tenants

2021 CanLII 84043 (ON LTB)

Isabelle Lessard and Patrice Malette (the 'Landlords') applied for an order to terminate the tenancy and evict Paulyne Martineau and Louis Faubert (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 5, 2021.

The Landlords' Legal Representative, Eric Daniel Hunt, the Landlords and the Tenants attended the hearing.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from June 1, 2020 to March 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective September 16, 2020.
2. 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. Based on the evidence provided by the parties at the hearing, I am not persuaded that the Tenants are in a position to pay the outstanding rent arrears within a reasonable period of time. The

Tenants proposed to pay the arrears over a period of 18 months by paying \$3,700.00 per month, however I find this is unlikely to occur based on the fact that the Tenants have made zero payments towards the arrears since the application was filed and the current balance outstanding is more than \$20,000.00.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before April 30, 2021.
2. The Tenants shall pay to the Landlords \$21,974.23*, which represents the amount of rent owing and compensation up to April 13, 2021.
3. The Tenants shall also pay to the Landlords \$72.33 per day for compensation for the use of the unit starting April 19, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing* on or before April 30, 2021, the Tenants will start to owe interest. This will be simple interest calculated from May 1, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before April 30, 2021, then starting May 1, 2021, 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 May 1, 2021.

8. If, on or before April 30, 2021, the Tenants pay the amount of \$23,486.00** 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 Tenants 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 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, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

April 19, 2021
Date Issued



Poeme Manigat
Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9

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 25, 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.

**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, 2020 to September 16, 2020	\$6,857.26
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	September 17, 2020 to April 19, 2021	\$15,116.97
Amount owing to the Landlords on the order date: (total of previous boxes)		\$21,974.23
Additional costs the Tenants must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting May 1, 2021:		\$72.33 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$22,160.23, + \$72.33 per day starting April 14, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	June 1, 2020 to April 30, 2021	\$23,300.00
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before April 30, 2021	\$23,486.00