

Order under Section 69  
**Residential Tenancies Act, 2006**

**File Number:** SWL-46453-20

**In the matter of:** 1082 ELLIS STREET E  
WINDSOR ON N8X2J1

**Between:** Lmmd Property Management Inc

Landlord

**and**

China Davis-milburn  
Wendy Davis

I hereby certify this is a  
true copy of an Order dated

MAY 6, 2021

  
Landlord and Tenant Board

Tenants

Lmmd Property Management Inc (the 'Landlord') applied for an order to terminate the tenancy and evict China Davis-milburn and Wendy Davis (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 29, 2021.

T. Currie appeared on behalf of the Landlord.

J. Levesque of the Windsor Essex Bilingual Legal Clinic attended for the purpose of representing the Tenants, as they had sought assistance from the Clinic. The Tenants did not attend and did not communicate with Mr. Levesque. As there was no explanation for the Tenants' absence, I declined Mr. Levesque's request for an adjournment. I permitted Mr. Levesque to remove himself from the record.

**Determinations:**

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from October 1, 2020 to April 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective October 16, 2020.
2. The Landlord collected a rent deposit of \$1,250.00 from the Tenants and this deposit is still being held by the Landlord.
3. Interest on the rent deposit is owing to the Tenants for the period from October 1, 2020 to October 16, 2020.
4. I have considered all of the disclosed circumstances in accordance with subsection 83 of the Act, including the impact of the COVID-19 pandemic on the parties and whether the

Landlord attempted to negotiate a repayment agreement with the Tenants, 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 May 17, 2021.
2. The Tenants shall pay to the Landlord \$7,708.53\*, which represents the amount of rent owing and compensation up to May 6, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$41.10 per day for compensation for the use of the unit starting May 7, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing\* on or before May 17, 2021, the Tenants will start to owe interest. This will be simple interest calculated from May 18, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before May 17, 2021, then starting May 18, 2021, 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 18, 2021.
8. If, on or before May 17, 2021, the Tenants pay the amount of \$10,186.00\*\* 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 18, 2021 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. This order terminates the tenancy and permits the Landlord to file the order with Court Enforcement Office (Sheriff) to evict the Tenant. However, as of the date this matter was heard, the Sheriff cannot enforce this order as a result of Ontario Regulation 266/21 made under the *Emergency Management and Civil Protection Act* on April 8, 2021. The Tenant cannot be evicted from the rental unit while this regulation is in force. Eviction by the Sheriff may occur after the regulation is removed by the Ontario Government.



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Egya Sangmuah  
Vice Chair, Landlord and Tenant Board

**May 6, 2021**  
**Date Issued**

South West-RO  
150 Dufferin Avenue, Suite 400, 4th Floor  
London ON N6A5N6

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 18, 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**

**File Number: SWL-46453-20**

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears: (up to the termination date in the Notice of Termination)	October 1, 2020 to October 16, 2020	\$657.53
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	October 17, 2020 to May 6, 2021	\$8,302.20
Less the rent deposit:		-\$1,250.00
Less the interest owing on the rent deposit:	October 1, 2020 to October 16, 2020	-\$1.20
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$7,708.53</b>
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting May 7, 2021:		\$41.10 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$7,894.53, + \$41.10 per day starting May 7, 2021</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>
Arrears:	October 1, 2020 to May 31, 2021	\$10,000.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before May 17, 2021	<b>\$10,186.00</b>