

Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-23122-12

In the matter of: MAIN FLOOR, 2 GLENGARRY STREET
GUELPH ON N1H6G7

Between: Eric Martin

Landlord

I hereby certify this is a true copy of an Order

and

Michael Oconnor

Tenant

February 27, 2012
Landlord and Tenant Board

Eric Martin (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Oconnor (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard in Guelph on February 21, 2012. Only the Landlord attended the hearing. The Tenant was not present or represented at the hearing although properly served with notice of this hearing as it appears from the Certificate of Service.


Determinations:

1. The Tenant has not paid the total rent he was required to pay for the period from January 1, 2012 to February 29, 2012. Because of the arrears, the Landlord served a Notice of Termination effective January 29, 2012.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$1,025.00.
4. The Tenant has made no payments since the application was filed.
5. The Landlord collected a rent deposit of \$1,025.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from November 26, 2011 to January 29, 2012.
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 Tenant is terminated. The Tenant must move out of the rental unit on or before March 9, 2012.
2. The Tenant shall pay to the Landlord \$848.90*, which represents the amount of rent owing and compensation up to February 27, 2012, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$33.70 per day for compensation for the use of the unit starting February 28, 2012 to the date he moves out of the unit.
4. The Tenant shall also pay to the Landlord \$170.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before March 9, 2012, the Tenant will start to owe interest. This will be simple interest calculated from March 10, 2012 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before March 9, 2012, then starting March 10, 2012, 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 March 10, 2012.
8. If the Tenant wishes to void this order and continue the tenancy, he must pay to the Landlord or to the Board in trust:
 - i) \$2,145.00 if the payment is made on or before February 29, 2012, or
 - ii) \$3,170.00 if the payment is made on or before March 9, 2012**.If the Tenant does not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlord 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 March 10, 2012 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.

February 27, 2012
Date Issued


Shirley Collins
Member, Landlord and Tenant Board

Southern-RO
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 September 10, 2012 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 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)	January 1, 2012 to January 29, 2012	\$902.26
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	January 30, 2012 to February 27, 2012	\$977.30
Less the rent deposit:		-\$1,025.00
Less the interest owing on the rent deposit:	November 26, 2011 to January 29, 2012	-\$5.66
Amount owing to the Landlord on the order date:(total of previous boxes)		\$848.90
Additional costs the Tenant must pay to the Landlord:		\$170.00
Plus daily compensation owing for each day of occupation starting February 28, 2012:		\$33.70 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$1,018.90, + \$33.70 per day starting February 28, 2012

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

1. If the payment is made on or before February 29, 2012:

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2012 to February 29, 2012	\$1,975.00
Additional costs the Tenant must pay to the Landlord:		\$170.00
Total the Tenant must pay to continue the tenancy:	On or before February 29, 2012	\$2,145.00

2. If the payment is made after February 29, 2012 but on or before March 9, 2012:

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2012 to March 31, 2012	\$3,000.00
Additional costs the Tenant must pay to the Landlord:		\$170.00
Total the Tenant must pay to continue the tenancy:	On or before March 9, 2012	\$3,170.00