

Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-27332-12

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April 29/13

In the matter of: 8 SOPHIA STREET
BARRIE ON L4M1Y2

Between: Bayfield Sophia Development Corp

Landlord

and

Doug Screatton
Sarah Jadoonanan

Tenants

I certify this is a true copy of the Order/Report,

Dated

02/01/13

AM
Angela Miller
Landlord and Tenant Board

Bayfield Sophia Development Corp (the 'Landlord') applied for an order to terminate the tenancy and evict Doug Screatton and Sarah Jadoonanan (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. The Landlord also claimed NSF cheque charges and related administration charges.

This application was heard in Barrie on December 18, 2012.

The Landlord's Agent, Jim Stephenson, and one the Tenants, Sarah Jadoonanan, attended the hearing.

Determinations:

1. The Tenants have not paid the total rent they were required to pay for the period from November 1, 2012 to December 31, 2012. Because of the arrears, the Landlord served a Notice of Termination effective November 17, 2012.
2. The Landlord is entitled to \$40.00 to reimburse the Landlord for charges the Landlord incurred as a result of cheques tendered by or on behalf of the Tenants which were returned NSF and related administration charges.
3. The Landlord collected a rent deposit of \$1,600.00 from the Tenants and this deposit is still being held by the Landlord.
4. Interest on the rent deposit is owing to the Tenants for the period from September 30, 2012 to November 17, 2012.
5. 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 Tenants void 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 January 13, 2013.
2. The Tenants shall pay to the Landlord \$1,747.19*, which represents the amount of rent owing and compensation up to January 2, 2013 and the total charges related to NSF cheques tendered to the Landlord by or on behalf of the Tenants, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$52.60 per day for compensation for the use of the unit starting January 3, 2013 to the date they move out of the unit.
4. The Tenants shall also pay to the Landlord \$170.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before January 13, 2013, the Tenants will start to owe interest. This will be simple interest calculated from January 14, 2013 at 3.00% annually on the balance outstanding.
6. The Landlord may file this order immediately 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 January 14, 2013.
8. If, on or before January 13, 2013, the Tenants pay the amount of \$5,010.00** 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 January 14, 2013 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.

January 2, 2013
Date Issued


Enza Buffa
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, Suite 520, 5th Floor
Mississauga Ontario 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 July 14, 2013 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)	November 1, 2012 to November 17, 2012	\$894.25
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	November 18, 2012 to January 2, 2013	\$2,419.60
Less the rent deposit:		-\$1,600.00
Less the interest owing on the rent deposit:	September 30, 2012 to November 17, 2012	-\$6.66
NSF cheque charges and related administration charges:		\$40.00
Amount owing to the Landlord on the order date: (total of previous boxes)		\$1,747.19
Additional costs the Tenants must pay to the Landlord:		\$170.00
Plus daily compensation owing for each day of occupation starting January 3, 2013:		\$52.60 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$1,917.19, + \$52.60 per day starting January 3, 2013

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

Reasons for amount owing	Period	Amount
Arrears:	November 1, 2012 to January 31, 2013	\$4,800.00
Additional costs the Tenants must pay to the Landlord:		\$170.00
Plus NSF cheque charges and related administration charges:		\$40.00
Total the Tenants must pay to continue the tenancy:	On or before January 13, 2013	\$5,010.00