



March 8, 2021

Order under Section 94.7
Residential Tenancies Act, 2006

File Number: NOC-02846-20

**In the matter of: Unit 17, 150 Kellyann Drive
Timmins, Ontario P4P 1G2**

**Between: Goldridge Cooperative Homes Inc Co-op
and
Tony Dubois Co-op Member**

1. The Applicant Co-op applied to the Landlord and Tenant Board (“LTB”) pursuant to subsection 94.2 (1)3 of Part V.1 of the *Residential Tenancies Act, 2006*, S.O. 2006, c.17 as amended (“RTA”), for an order to end the occupancy of the member unit and evict the Co-op Member because the Co-op Member did not pay the regular monthly housing charges.
2. The Application was filed with the LTB on February 28, 2020.
3. I have reviewed the Notice of Termination and am satisfied it complies with requirements of subsection 94.4 (1)2 of RTA.
4. The Co-op Member did not serve and file a Response to the Application as required by Rule 12.4. In these circumstances Rule 12.5 provides that the Co-op Member may be deemed to have accepted all of the facts and allegations in the Application and permits the LTB to decide the Application on the basis of the material before it.
5. A Case Management Hearing (“CMH”) was held on March 3, 2021 via video conference at 2:00pm. The Co-op Member did not appear at the CMH and did not file a Response. There was no record before me of a request to adjourn. I am satisfied that the Co-op Member had proper notice of the CMH. The Notice of Hearings states that if the Co-op Member does not attend the CMH and does not file a Response to the Application, the hearing on the merits may proceed on the scheduled date and the LTB may issue an order evicting the Co-op Member.

After waiting 15 minutes for the Co-op Member(s) to appear, I proceeded with the CMH.

6. Based on the application and the oral evidence provided by the Co-op Representative, Lynn Gagnon, I find as follows:
- The Co-op Member's regular monthly housing charge is \$991.00;
 - The Member owes \$4 434.00 in arrears of the regular monthly housing charges up to and including March 31, 2021;
 - The Co-op is holding a refundable deposit in the amount of \$600.00;
 - The Co-op is waiving the \$190.00 application filing fee.
7. Based on all the evidence presented to me I am satisfied that:
- The Co-op Member has not paid the total regular monthly housing charge he was required to pay for the period up to and including March 31, 2021;
 - The Co-op Member has not paid the full amount of regular monthly housing charges owed in order to avoid termination.
8. There were no circumstances to support consideration of relief from eviction in accordance with subsection 94.12(2).
9. All of my reasons in support of this order are contained in the above paragraphs. No further reasons will be issued.

It is ordered that:

- [1] Unless the Co-op Member voids this Order, as set out below, the Co-op Member's occupancy rights are terminated, and the member unit must be vacated on or before March 19, 2021.
- [2] The Co-op Member shall pay to the Co-op the amount of \$3 684.66 which represents the arrears of regular monthly housing charges owing up to and including March 8, 2021 (the date of this Order).
- [3] Unless the Co-op Member voids this Order, the refundable deposit of \$600.00 shall be applied to repairs and cleaning fees.
- [4] The Co-op Member shall also pay to the Co-op \$32.58 per day (\$991.00 X 12 months divided by 365 days) for compensation for the use of the unit starting March 9, 2021 to the date he moves out of the member unit.

- [5] If the Co-op Member wishes to void this Order and remain in the unit, he must pay directly to the Co-op or to the LTB in trust the amount of \$4 434.00 on or before March 19, 2021. This amount represents the arrears of the monthly housing charges up to and including March 31, 2021.
- [6] If the Co-op Member voids this Order, then the \$600.00 refundable deposit will continue to be held by the Co-op.
- [7] If the Co-op Member does not pay \$4 434.00 on or before March 19, 2021 and does not vacate the unit by this date, then starting March 20, 2021, the Co-op may file this order with the Court Enforcement Office (Sheriff) to enforce the eviction.
- [8] Upon receipt of this order, the Sheriff is directed to give vacant possession of the member unit to the Co-op, on or after March 20, 2021.
- [9] If the Co-op Member does not pay the full amount owing by March 19, 2021, he will start to owe interest on any unpaid balance beginning March 20, 2021. Interest will be calculated at 3.00% annually on the outstanding balance.
- [10] The Co-op Member may make a motion to the LTB under ss. 74 (11) of the RTA to set aside this order if he pays the amount required on or after March 20, 2021 but before the Sheriff gives vacant possession to the Co-op. The Co-op Member is only entitled to make this motion once during the period of the occupancy agreement with the Co-op.



March 8, 2021
Date Issued

Susan Parsons
Hearings Officer, Landlord and Tenant Board

In accordance with s.81 of the RTA, the part of this order relating to the eviction expires on September 20, 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 housing unit is located.

If you have any questions about this order, call 416-314-7061 or toll free at 1-844-288-7221