



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

**File Number:** SWL-49503-21

**In the matter of:** 311, 3655 SANDWICH STREET  
WINDSOR ON N9C1B8

**Between:** Amiraco Properties Inc.

Landlord

**and**

Andrew Kwasnicki

Tenant

Amiraco Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Kwasnicki (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by video conference on July 22, 2021.

Only the Landlord's Agent, K. MacDonald, attended the hearing. As of 3:06 p.m. the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

**Determinations:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from February 1, 2021 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective February 20, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$606.73.
4. The Tenant paid \$900.00 after the application was filed.
5. The Landlord collected a rent deposit of \$620.00 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 August 26, 2020 to December 31, 2020.
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 not be unfair to postpone the eviction until September 30, 2021 pursuant to subsection 83(1)(b) 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 September 30, 2021.
2. The Tenant shall pay to the Landlord \$2,066.16\*, which represents the amount of rent owing and compensation up to July 30, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$19.95 per day for compensation for the use of the unit starting July 31, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing\* on or before September 30, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 1, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 30, 2021, then starting October 1, 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 October 1, 2021.
8. If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlord or to the Board in trust:
  - i) \$2,926.38 if the payment is made on or before July 31, 2021,
  - ii) \$3,533.11 if the payment is made on or before August 31, 2021; or
  - ii) \$4,139.84 if the payment is made on or before September 30, 2021\*\*.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 October 1, 2021 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.

**July 30, 2021**  
**Date Issued**



Richard Ferriss  
Member, Landlord and Tenant Board

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 April 1, 2022 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-49503-21**

2021 CanLII 109004 (ON LTB)

**A. Amount the Tenant 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)	February 1, 2021 to February 20, 2021	\$398.95
Less the amount the Tenant paid to the Landlord		-\$900.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	February 21, 2021 to July 30, 2021	\$3,192.00
Less the rent deposit:		-\$620.00
Less the interest owing on the rent deposit:	August 26, 2020 to December 31, 2020	-\$4.79
<b>Amount owing to the Landlord on the order date:</b> (total of previous boxes)		<b>\$2,066.16</b>
<b>Additional costs the Tenant must pay to the Landlord:</b>		<b>\$186.00</b>
<b>Plus daily compensation owing for each day of occupation starting July 31, 2021:</b>		<b>\$19.95 (per day)</b>
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$2,252.16, + \$19.95 per day starting July 31, 2021</b>

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

**1. If the payment is made on or before July 31, 2021:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	February 1, 2021 to July 31, 2021	\$3,640.38
Less the amount the Tenant paid to the Landlord:		-\$900.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before July 31, 2021	<b>\$2,926.38</b>

## 1. If the payment is made after July 31, 2021 but on or before August 31, 2021:

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2021 to August 31, 2021	\$4,247.11
Less the amount the Tenant paid to the Landlord:		-\$900.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before August 31, 2021	<b>\$3,533.11</b>

## 2. If the payment is made after July 31, 2021 but on or before September 30, 2021:

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2021 to September 30, 2021	\$4,853.84
Less the amount the Tenant paid to the Landlord:		-\$900.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before September 30, 2021	<b>\$4,139.84</b>