


Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-03811-18

In the matter of: 71 MAIDSTONE WAY
WHITBY ON L1R0L8

Between: Consolata Oketch
Timothy Oketch

Landlords

I hereby certify this is a true copy of the Order
(Name of Document)

(Colleen Tinker)
(Signature of Staff Member)

and

Lee Jenkins

Tenant

FEB 01 2019

LANDLORD AND TENANT BOARD

Consolata Oketch and Timothy Oketch (the 'Landlords') applied for an order to terminate the tenancy and evict Lee Jenkins (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlords also claimed NSF cheque charges and related administration charges.

This application was heard in Whitby on January 25, 2019. Only the Landlord, Consolata Oketch and the Landlord's Representative, Suzanne Bemrose attended the hearing.

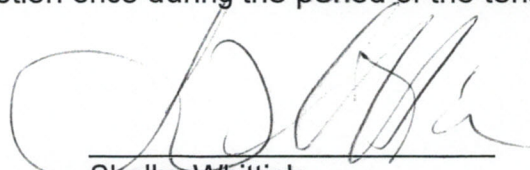
Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from September 1, 2018 to January 31, 2019. Because of the arrears, the Landlords served a Notice of Termination effective November 4, 2018.
2. The Landlords incurred charges of \$35.00 for cheques tendered by or on behalf of the Tenant, which were returned NSF and \$100.00 for related administration charges.
3. The Landlords collected a rent deposit of \$1,800.00 from the Tenant and this deposit is still being held by the Landlords.
4. Interest on the rent deposit is owing to the Tenant for the period from March 1, 2016 to November 4, 2018.
5. The Tenant paid \$1,840.00 after the application was filed.
6. 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 Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before February 12, 2019.
2. The Tenant shall pay to the Landlords \$5,719.05*, which represents the amount of rent owing and compensation up to February 1, 2019 and the total charges related to NSF cheques tendered to the Landlords by or on behalf of the Tenant, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenant shall also pay to the Landlords \$60.49 per day for compensation for the use of the unit starting February 2, 2019 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords \$175.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing* on or before February 12, 2019, the Tenant will start to owe interest. This will be simple interest calculated from February 13, 2019 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before February 12, 2019, then starting February 13, 2019, the Landlords 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 Landlords, on or after February 13, 2019.
8. If, on or before February 12, 2019, the Tenant pays the amount of \$9,510.00** to the Landlords or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated and the Tenant could remain in the unit. If this payment is not made in full and on time, the Landlords 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 February 13, 2019 but before the Sheriff gives vacant possession to the Landlords. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

February 1, 2019
Date Issued


Shelby Whittick
Member, Landlord and Tenant Board

Toronto East-RO
2275 Midland Avenue, Unit 2
Toronto ON M1P3E7

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 August 13, 2019 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: HOL-03811-18

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)	September 1, 2018 to November 4, 2018	\$3,921.97
Less the amount the Tenant paid to the Landlords		-\$1,840.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	November 5, 2018 to February 1, 2019	\$5,383.61
Less the rent deposit:		-\$1,800.00
Less the interest owing on the rent deposit:	March 1, 2016 to November 4, 2018	-\$81.53
NSF cheque charges:		\$35.00
Administration charges related to NSF cheque charges:		\$100.00
Amount owing to the Landlords on the order date: (total of previous boxes)		\$5,719.05
Additional costs the Tenant must pay to the Landlords:		\$175.00
Plus daily compensation owing for each day of occupation starting February 2, 2019:		\$60.49 (per day)
Total the Tenant must pay the Landlords if the tenancy is terminated:		\$5,894.05, + \$60.49 per day starting February 2, 2019

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

Reasons for amount owing	Period	Amount
Arrears:	September 1, 2018 to February 28, 2019	\$11,040.00
Less the amount the Tenant paid to the Landlords		-\$1,840.00
Additional costs the Tenant must pay to the Landlords:		\$175.00
NSF cheque charges:		\$35.00
Administration charges related to NSF cheque charges:		\$100.00
Total the Tenant must pay to continue the tenancy:	On or before February 12, 2019	\$9,510.00