



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-09712-21

In the matter of: 909, 230 SACKVILLE STREET
TORONTO ON M5A0B8

Between: Toronto Community Housing Corporation Landlord

and

Ashleigh Scott Tenants
Eni Dina

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Ashleigh Scott and Eni Dina (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on November 4, 2021. Only the Landlord's Legal Representative, Fatima Ferreira, attended the hearing. As of 11:19 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from December 1, 2016 to November 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective January 8, 2021.
2. The Landlord's claim for the period ending November 30, 2021 exceeds the Board's monetary jurisdiction of **\$35,000.00**. The Landlord's Legal Representative indicated a desire to proceed with the hearing of the application and voluntarily waived the portion of the claim that exceeds the Board's monetary jurisdiction.
3. The Tenants are in possession of the rental unit.
4. The lawful monthly rent is \$1,276.00.
5. The Tenants have made no payments since the application was filed.
6. The Landlord collected a rent deposit of \$1,213.00 from the Tenants and this deposit is still being held by the Landlord.

7. Interest on the rent deposit is owing to the Tenants for the period from January 1, 2021 to January 8, 2021.
8. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenants, 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 Tenants is terminated. The Tenants must move out of the rental unit on or before **November 21, 2021**.
2. The Tenants shall pay to the Landlord **\$43,707.61***, which represents the amount of rent owing and compensation up to November 10, 2021, less the rent deposit and interest the Landlord owes on the rent deposit. However, the Board is only authorized to order the Tenants to pay the maximum of its monetary jurisdiction of **\$35,000.00**. Therefore, the Tenants shall pay to the Landlord the amount of **\$35,000.00**.
3. The Tenants would normally be ordered to pay to the Landlord **\$41.95** per day for compensation for the use of the unit starting November 11, 2021 to the date the Tenants move out of the unit. Having exceeded the Boards monetary jurisdiction of **\$35,000.00** this amount of daily compensation will therefore not be ordered.
4. The Tenants would normally also pay to the Landlord **\$186.00** for the cost of filing the application. Having exceeded the Boards monetary jurisdiction of **\$35,000.00** the Board will therefore not order the Tenants to pay the costs of the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before November 21, 2021, the Tenants will start to owe interest. This will be simple interest calculated from November 22, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before November 21, 2021, then starting November 22, 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 November 22, 2021.
8. If the Tenants wish to void the order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust the amount of **\$35,000.00** which is the maximum limit of the Board's monetary jurisdiction. This payment must be made, on or before November 21, 2021. If the Board's monetary jurisdiction had not been limited to **\$35,000.00**, the Tenants would have been obliged to make the following payment to void of **\$45,970.33** to the Landlord or to the Board in trust, on or before November 21, 2021. 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 November 22, 2021 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.

November 10, 2021

Date Issued

Michael Di Salle

Michael Di Salle

Member, Landlord and Tenant Board

Head Office
777 Bay Street, 12th Floor
Toronto Ontario M5G2E5

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 May 22, 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**

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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)	December 1, 2016 to January 8, 2021	\$32,083.94
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	January 9, 2021 to November 10, 2021	\$12,836.70
Less the rent deposit:		-\$1,213.00
Less the interest owing on the rent deposit:	January 1, 2021 to January 8, 2021	-\$0.03
Amount owing to the Landlord on the order date:(total of previous boxes)		\$43,707.61
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting November 11, 2021:		\$41.95 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$35,000.00 Board's jurisdiction limit

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

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2016 to November 30, 2021	\$45,784.33
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before November 21, 2021	\$35,000.00 Board's jurisdiction limit

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