



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

**File Number:** SOL-21034-21

**In the matter of:** BASEMENT, 5179 MCRAE STREET  
NIAGARA FALLS ON L2E1P6

**Between:** Victor Gupta Landlord  
  
**and**  
  
Hillary Harris Tenants  
Joseph Lennox

Victor Gupta (the 'Landlord') applied for an order to terminate the tenancy and evict Hillary Harris and Joseph Lennox (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on September 7, 2021. Only the Landlord, Victor Gupta attended the hearing. As of 9:59 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 October 1, 2020 to September 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective March 19, 2021.
2. The Tenants vacated the rental unit on August 20, 2021. The Tenant was in possession of the rental unit on the date the application was filed.
3. The lawful monthly rent was \$1,000.00.
4. The Tenants have made no payments since the application was filed.

5. The Landlord collected a rent deposit of \$1,000.00 from the Tenants and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenants for the period from September 11, 2020 to March 19, 2021.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of August 20, 2021, the date the Tenants gave vacant possession to the Landlord.
2. The Tenants shall pay to the Landlord \$7,187.67\*, which represents the amount of rent owing and compensation up to August 20, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
4. If the Tenants do not pay the Landlord the full amount owing\* on or before October 16, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 17, 2021 at 2.00% annually on the balance outstanding.

**October 5, 2021**  
**Date Issued**

  
\_\_\_\_\_  
Diane Wade  
Member, Landlord and Tenant Board

Southern-RO  
119 King Street West, 6th Floor  
Hamilton ON L8P4Y7

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

\* Refer to section A on the attached Summary of Calculations.

**Schedule 1  
SUMMARY OF CALCULATIONS**

**File Number: SOL-21034-21**

**A. Amount the Tenants must pay as 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)                                  | October 1, 2020 to March 19, 2021    | \$3,124.66        |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | March 20, 2021 to August 20, 2021    | \$5,063.52        |
| Less the rent deposit:                                                                              |                                      | -\$1,000.00       |
| Less the interest owing on the rent deposit:                                                        | September 11, 2020 to March 19, 2021 | -\$0.51           |
| Amount owing to the Landlord on the order date: (total of previous boxes)                           |                                      | <b>\$7,187.67</b> |
| Additional costs the Tenants must pay to the Landlord:                                              |                                      | \$186.00          |
| <b>Total the Tenants must pay the Landlord as the tenancy is terminated:</b>                        |                                      | <b>\$7,373.67</b> |

2021 CanLII 132096 (ON LTB)