



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-51340-21

In the matter of: 1302 SORREL ROAD
LONDON ON N5V2N7

Between: Rahul Mishra Landlord

and

Anthony Williams Tenants
Erica Phillips

Rahul Mishra (the 'Landlord') applied for an order to terminate the tenancy and evict Erica Phillips and Anthony Williams (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on August 19, 2021. The Landlord's Legal Representative, Robert Forster, attended the hearing. As of 11:20 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, 2020 to August 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective December 27, 2020.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$1,300.00.
4. The Landlord collected a rent deposit of \$1,300.00 from the Tenants and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenants for the period from October 1, 2017 to December 27, 2020.
6. The Tenants paid \$1,900.00 after the application was filed. There have been no payments made since April 2021.


7. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (the 'Act'), 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 the Landlord did attempt to negotiate repayment of the arrears of rent. In making this finding I considered the Landlord's Legal Representative's submissions that the Landlord reached out to the Tenants and the Tenants did not respond. As the Tenants did not attend and no other circumstances were presented to me, I 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 Tenants void 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 September 6, 2021.
2. The Tenants shall pay to the Landlord \$7,314.66*, which represents the amount of rent owing and compensation up to August 26, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$42.74 per day for compensation for the use of the unit starting August 27, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$201.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before September 6, 2021, the Tenants will start to owe interest. This will be simple interest calculated from September 7, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 6, 2021, then starting September 7, 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 September 7, 2021.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust:
 - i) \$7,301.00 if the payment is made on or before August 31, 2021, or
 - ii) \$8,601.00 if the payment is made on or before September 6, 2021**.If the Tenants do 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 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 September 7, 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.

August 26, 2021
Date Issued



Rebecca Case
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 March 7, 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-51340-21

2021 CanLII 120255 (ON LTB)

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, 2020 to December 27, 2020	\$253.97
Less the amount the Tenants paid to the Landlord		-\$1,900.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	December 28, 2020 to August 26, 2021	\$10,343.08
Less the rent deposit:		-\$1,300.00
Less the interest owing on the rent deposit:	October 1, 2017 to December 27, 2020	-\$82.39
Amount owing to the Landlord on the order date: (total of previous boxes)		\$7,314.66
Additional costs the Tenants must pay to the Landlord:		\$201.00
Plus daily compensation owing for each day of occupation starting August 27, 2021:		\$42.74 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$7,515.66, + \$42.74 per day starting August 27, 2021

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

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

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2020 to August 31, 2021	\$9,000.00
Less the amount the Tenants paid to the Landlord:		-\$1,900.00
Additional costs the Tenants must pay to the Landlord:		\$201.00

Total the Tenants must pay to continue the tenancy:	On or before August 31, 2021	\$7,301.00
--	------------------------------	------------

2. If the payment is made after August 31, 2021 but on or before September 6, 2021:

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2020 to September 30, 2021	\$10,300.00
Less the amount the Tenants paid to the Landlord:		-\$1,900.00
Additional costs the Tenants must pay to the Landlord:		\$201.00
Total the Tenants must pay to continue the tenancy:	On or before September 6, 2021	\$8,601.00