



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

**File Number:** EAL-95439-21

**In the matter of:** 176 MEADOWLANDS DRIVE WEST  
NEPEAN ON K2G2S6

**Between:** Ruby Jalhan Landlords  
Rajesh Kumar

**and**

Misty Lynn Mac Innis Tenant

Ruby Jalhan and Rajesh Kumar (the 'Landlords') applied for an order to terminate the tenancy and evict Misty Lynn Mac Innis (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by way of a videoconference on August 10, 2021. Ruby Jalhan attended the hearing on behalf of the Landlords, along with the Landlords' Legal Representative, S. Arora. As of 9:38 a.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 April 1, 2021 to August 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective May 5, 2021.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$2,300.00.
4. The Landlords collected a rent deposit of \$2,300.00 from the Tenant and this deposit is still being held by the Landlords. Interest on the rent deposit is owing to the Tenant for the period from March 1, 2021 to May 5, 2021.
5. As of the date of the hearing, the Tenant had not made any payments to the Landlords after the application was filed.
6. The Landlords sent email correspondence to the Tenant on August 9, 2021, in an attempt to negotiate an agreement to resolve this application. However, no agreement has been reached between the parties.

7. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of the COVID-19 pandemic upon the parties and whether the Landlord has attempted to negotiate an agreement with the Tenants regarding this application, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The arrears of rent are considerable, and it would not be reasonable to postpone this eviction any further.

**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 November 1, 2021.
2. The Tenant shall pay to the Landlords \$13,157.44\*, which represents the amount of rent owing and compensation up to October 21, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. Any payments made by the Tenant to the Landlords after the date of the hearing shall be deducted from the total outstanding amount.
4. The Tenant shall also pay to the Landlords \$75.62 per day for compensation for the use of the unit starting October 22, 2021 to the date the Tenant moves out of the unit.
5. The Tenant shall also pay to the Landlords \$186.00 for the cost of filing the application.
6. If the Tenant does not pay the Landlords the full amount owing\* on or before November 1, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 2, 2021 at 2.00% annually on the balance outstanding.
7. If the unit is not vacated on or before November 1, 2021, then starting November 2, 2021, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 November 2, 2021.
9. If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlords or to the Board in trust:
  - i) \$16,286.00 if the payment is made on or before October 31, 2021, or
  - ii) \$18,586.00 if the payment is made on or before November 1, 2021\*\*.If the Tenant does not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
10. 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 November 2, 2021 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.

**October 21, 2021**  
**Date Issued**



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Arnab Quadry  
Member, Landlord and Tenant Board

Eastern-RO  
255 Albert Street, 4th Floor  
Ottawa ON K1P6A9

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 2, 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: EAL-95439-21**

**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)	April 1, 2021 to May 5, 2021	\$2,678.08
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	May 6, 2021 to October 21, 2021	\$12,779.78
Less the rent deposit:		-\$2,300.00
Less the interest owing on the rent deposit:	March 1, 2021 to May 5, 2021	-\$0.42
Amount owing to the Landlords on the order date: (total of previous boxes)		<b>\$13,157.44</b>
Additional costs the Tenant must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting October 22, 2021:		\$75.62 (per day)
<b>Total the Tenant must pay the Landlords if the tenancy is terminated:</b>		<b>\$13,343.44, + \$75.62 per day starting October 22, 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 October 31, 2021:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	April 1, 2021 to October 31, 2021	\$16,100.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before October 31, 2021	<b>\$16,286.00</b>

**2. If the payment is made after October 31, 2021 but on or before November 1, 2021:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	April 1, 2021 to November 30, 2021	\$18,400.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before November 1, 2021	<b>\$18,586.00</b>

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