



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

**File Number:** SWL-48350-21

**In the matter of:** LOWER, 176 KENNETH AVENUE  
KITCHENER ON N2A1W2

**Between:** Deepak Venkatachalapathy Landlord

**and**

Colin Wall Tenant

Deepak Venkatachalapathy (the 'Landlord') applied for an order to terminate the tenancy and evict Colin Wall (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard in Passcode: 695 7516 4596# on July 8, 2021. The Landlord's representative James Hill and the Tenant attended the hearing.

**Determinations:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from April 1, 2020 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective January 5, 2021.
2. 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 Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before July 26, 2021.
2. The Tenant shall pay to the Landlord \$14,107.55\*, which represents the amount of rent owing and compensation up to July 15, 2021.
3. The Tenant shall also pay to the Landlord \$35.14 per day for compensation for the use of the unit starting July 16, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.

5. If the Tenant does not pay the Landlord the full amount owing\* on or before July 26, 2021, the Tenant will start to owe interest. This will be simple interest calculated from July 27, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 26, 2021, then starting July 27, 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 July 27, 2021.
8. If, on or before July 26, 2021, the Tenant pays the amount of \$14,888.40\*\* to the Landlord 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 Landlord 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 July 27, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

2021 CanLII 108547 (ON LTB)



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Greg Joy  
Member, Landlord and Tenant Board

**July 15, 2021**  
**Date Issued**

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 January 27, 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-48350-21**

**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, 2020 to January 5, 2021	\$7,395.81
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	January 6, 2021 to July 15, 2021	\$6,711.74
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$14,107.55</b>
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting July 16, 2021:		\$35.14 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$14,293.55, + \$35.14 per day starting July 16, 2021</b>

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	April 1, 2020 to July 31, 2021	\$14,702.40
Additional costs the Tenant must pay to the Landlord:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before July 26, 2021	\$14,888.40