



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-99330-21

In the matter of: WHOLE HOUSE, 80 PENNYROYAL CRESCENT
BRAMPTON ON L6S6J6

Between: Jalpaben B Talati Landlords
Harshal D Desai

and

Joseph Manuel Macinnis Tenants
Sara E Mcallister

Jalpaben B Talati and Harshal D Desai (the 'Landlords') applied for an order to terminate the tenancy and evict Joseph Manuel Macinnis and Sara E Mcallister (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on July 12, 2021. Only the Landlords attended the hearing. As of 3:30 p.m. the Tenants were not present or represented 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 February 4, 2021 to August 3, 2021. Because of the arrears, the Landlords served a Notice of Termination effective March 23, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$2,400.00.
4. The Tenants paid \$7,800.00 after the application was filed.
5. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of Covid-19 on the parties and whether the Landlords attempted to negotiate a payment arrangement with the parties, 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 Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before July 30, 2021.
2. The Tenants shall pay to the Landlords \$3,688.28*, which represents the amount of rent owing and compensation up to July 19, 2021.
3. The Tenants shall also pay to the Landlords \$78.90 per day for compensation for the use of the unit starting July 20, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing* on or before July 30, 2021, the Tenants will start to owe interest. This will be simple interest calculated from July 31, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 30, 2021, then starting July 31, 2021, the Landlords 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 Landlords, on or after July 31, 2021.
8. If, on or before July 30, 2021, the Tenants pay the amount of \$4,986.00** to the Landlords or to the Board in trust, this order for eviction will be void. 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 Landlords 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 July 31, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

July 19, 2021
Date Issued



Vladimir Nikitin
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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 31, 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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2021 CanLII 103052 (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)	February 4, 2021 to March 23, 2021	\$2,178.08
Less the amount the Tenants paid to the Landlords		-\$7,800.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 24, 2021 to July 19, 2021	\$9,310.20
Amount owing to the Landlords on the order date: (total of previous boxes)		\$3,688.28
Additional costs the Tenants must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting July 20, 2021:		\$78.90 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$3,874.28, + \$78.90 per day starting July 20, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	February 4, 2021 to August 3, 2021	\$12,600.00
Less the amount the Tenants paid to the Landlords		-\$7,800.00
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before July 30, 2021	\$4,986.00