



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-53352-21

In the matter of: 3, 887 HOWARD AVENUE
WINDSOR ON N9A1S1

Between: Dedy Tjhie Landlords
Elina Darmawan

and

Lina Downey Tenant

Dedy Tjhie and Elina Darmawan (the 'Landlords') applied for an order to terminate the tenancy and evict Lina Downey (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on November 4, 2021. The Landlord's Legal Representative, Kira Passell, 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 June 1, 2021 to November 30, 2021. Because of the arrears, the Landlords served a Notice of Termination effective July 25, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$740.00.
4. The Tenant has made no payments since the application was filed.
5. The rental arrears outstanding to November 30, 2021 total \$4,440.00.
6. The Landlords collected a rent deposit of \$740.00 from the Tenant and this deposit is still being held by the Landlords.
7. Interest on the rent deposit is owing to the Tenant for the period from September 15, 2020 to July 25, 2021.

8. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlords attempted to negotiate a repayment agreement with the Tenant, 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 Tenant is terminated. The Tenant must move out of the rental unit on or before **November 21, 2021**.
2. The Tenant shall pay to the Landlords **\$3,235.23***, which represents the amount of rent owing and compensation up to November 10, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenant shall also pay to the Landlords **\$24.33** per day for compensation for the use of the unit starting November 11, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords **\$186.00** for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing* on or before November 21, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 22, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before November 21, 2021, then starting November 22, 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 November 22, 2021.
8. If, on or before November 21, 2021, the Tenant pays the amount of **\$4,626.00**** 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 Tenant 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 Tenant may make a motion to the Board under subsection 74(11) of the Act to set aside this order if the Tenant pays the amount required under that subsection on or after November 22, 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.

November 10, 2021
Date Issued

Michael Di Salle

Michael Di Salle
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 May 22, 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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A. Amount the Tenant must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	June 1, 2021 to July 25, 2021	\$1,348.22
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	July 26, 2021 to November 10, 2021	\$2,627.64
Less the rent deposit:		-\$740.00
Less the interest owing on the rent deposit:	September 15, 2020 to July 25, 2021	-\$0.63
Amount owing to the Landlords on the order date:(total of previous boxes)		\$3,235.23
Additional costs the Tenant must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting November 11, 2021:		\$24.33 (per day)
Total the Tenant must pay the Landlords if the tenancy is terminated:		\$3,421.23, + \$24.33 per day starting November 11, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	June 1, 2021 to November 30, 2021	\$4,440.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before November 21, 2021	\$4,626.00