



Order under Section 69
Residential Tenancies Act, 2006

File Number: NOL-42444-21

In the matter of: 1, 73 BLOOR STREET
SUDBURY ON P3C2K5

Between: Nandan Fozdar
2760831 Ontario Inc.

Landlords

and

Terry Kelly

Tenant

Nandan Fozdar and 2760831 Ontario Inc. (the 'Landlords') applied for an order to terminate the tenancy and evict Terry Kelly (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by video conference on July 15, 2021.

Only the Landlords' Legal Representative, A. Gravelle, attended the hearing. As of 2:43 p.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 February 1, 2021 to July 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective March 24, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$850.00.
4. The Tenant has made no payments since the application was filed.
5. The Landlords collected a rent deposit of \$850.00 from the Tenant and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenant for the period from July 1, 2020 to December 31, 2020.
7. I have considered all of the disclosed circumstances in accordance with section 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 August 2, 2021.
2. The Tenant shall pay to the Landlords \$4,015.26*, which represents the amount of rent owing and compensation up to July 22, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenant shall also pay to the Landlords \$27.95 per day for compensation for the use of the unit starting July 23, 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 August 2, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 3, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 2, 2021, then starting August 3, 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 August 3, 2021.
8. 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) \$5,286.00 if the payment is made on or before July 31, 2021, or
 - ii) \$6,136.00 if the payment is made on or before August 2, 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.
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 August 3, 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.

July 22, 2021
Date Issued



Richard Ferriss
Member, Landlord and Tenant Board

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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 February 3, 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)	February 1, 2021 to March 24, 2021	\$1,520.68
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 25, 2021 to July 22, 2021	\$3,354.00
Less the rent deposit:		-\$850.00
Less the interest owing on the rent deposit:	July 1, 2020 to December 31, 2020	-\$9.42
Amount owing to the Landlords on the order date: (total of previous boxes)		\$4,015.26
Additional costs the Tenant must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting July 23, 2021:		\$27.95 (per day)
Total the Tenant must pay the Landlords if the tenancy is terminated:		\$4,201.26, + \$27.95 per day starting July 23, 2021

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

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

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2021 to July 31, 2021	\$5,100.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before July 31, 2021	\$5,286.00

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

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2021 to August 31, 2021	\$5,950.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before August 2, 2021	\$6,136.00

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