



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

**File Number:** TSL-17974-20

**In the matter of:** D, 2917 LAKESHORE BOULEVARD W  
ETOBICOKE ON M8V1J3

**Between:** Don Rajapakshage Landlords  
Nandani Dassanayake

**and**

Scott Frankland Tenants  
Yun Lee

Don Rajapakshage and Nandani Dassanayake (the 'Landlords') applied for an order to terminate the tenancy and evict Scott Frankland and Yun Lee (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. The Landlords also claimed NSF cheque charges and related administration charges.

This application was heard by videoconference on May 21, 2021.

Only the Landlords attended the hearing. As of 9:15 a.m., the Tenants were not present or represented at the hearing 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 September 1, 2020 to May 30, 2021. Because of the arrears, the Landlords served a Notice of Termination.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$2,400.00.
4. The Landlords collected a rent deposit of \$2,400.00 from the Tenants and this deposit is still being held by the Landlord.
5. The Tenants have made no payments since the application was filed.
6. The Landlords incurred charges of \$75.00 for cheques tendered by or on behalf of the Tenants, which were returned NSF and for related administration charges.

7. The Landlords seeks a termination of the tenancy by way of standard 11 day voidable order as the arrears are substantial and the Tenants have made no payments since the application was filed. The Landlords testified that they have attempted to resolve the matter and that they are not aware of any circumstances that would cause me to delay or deny a termination of the tenancy. The Tenants did not attend the hearing to give evidence of their circumstances.
8. 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 Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 6, 2021.
2. The Tenants shall pay to the Landlords \$19,066.50\*, which represents the amount of rent owing and compensation up to May 26, 2021 and the total charges related to NSF cheques tendered to the Landlords by or on behalf of the Tenants, and the application filing fee.
3. The Tenants shall also pay to the Landlords \$78.90 per day for compensation for the use of the unit starting May 27, 2021 to the date the Tenants move out of the unit.
4. If the Tenants do not pay the Landlords the full amount owing\* on or before June 6, 2021, the Tenants will start to owe interest. This will be simple interest calculated from June 7, 2021 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before June 6, 2021, then starting June 7, 2021, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 June 7, 2021.
7. If, on or before June 6, 2021, the Tenants pay the amount of \$24,261.00\*\* 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.
8. 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 June 7, 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.

9. This order terminates the tenancy and permits the Landlord to file the order with Court Enforcement Office (Sheriff) to evict the Tenants. However, as of the date this order was issued, the Sheriff cannot enforce this order as a result of Ontario Regulation 13/21 made under the *Emergency Management and Civil Protection Act*. The Tenants cannot be evicted from the rental unit while this regulation is in force. Eviction by the Sheriff may occur after the regulation is removed by the Ontario Government.



**May 26, 2021**  
**Date Issued**

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Nicola Mulima  
Member, Landlord and Tenant Board

Toronto South-RO  
15 Grosvenor Street, 1st Floor  
Toronto ON M7A 2G6

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 December 7, 2021 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: TSL-17974-20**

**A. Amount the Tenants must pay if the tenancy is terminated:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears and Compensation: (up to the termination date in the Notice of Termination)	September 1, 2020 to May 26, 2021	\$21,205.50
Less the Last Month Rent Deposit:		-\$2,400.00

Plus NSF cheque charges and charges related to NSF charges:		\$75.00
Plus the Application Filing Fee:		\$186.00
Amount owing to the Landlords on the order date:(total of previous boxes)		<b>\$19,066.50</b>
Plus daily compensation owing for each day of occupation starting May 27, 2021:		\$78.90 (per day)

<b>Total the Tenants must pay the Landlords if the tenancy is terminated:</b>		<b>\$19,066.50, + \$78.90 per day starting May 27, 2021</b>
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**B. Amount the Tenants must pay to void the eviction order and continue the tenancy:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	September 1, 2020 to June 8, 2021	\$24,000.00

NSF cheque charges and administration charges related to NSF cheque charges:		\$75.00
Plus the Application Filing Fee:		\$186.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before June 6, 2021	<b>\$24,261.00</b>

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