



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

**File Number:** EAL-95891-21

**In the matter of:** 26 RODEO DRIVE  
NEPEAN ON K2J4Z5

**Between:** Pradheep Anthony Sabapathy Landlord

**and**

Eric Chenier Tenants  
Erin Chenier

Pradheep Anthony Sabapathy (the 'Landlord') applied for an order to terminate the tenancy and evict Erin Chenier and Eric Chenier (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on August 10, 2021. The Landlord's Legal Representative, T. Landriault, attended the hearing on behalf of the Landlord. As of 1:43 p.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 April 1, 2021 to August 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective May 16, 2021.
2. The Tenants are in possession of the rental unit.
3. The monthly rent is \$2,300.00.
4. The Landlord collected a rent deposit of \$2,300.00 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenants for the period from March 1, 2021 to May 16, 2021.
5. As of the date of the hearing, the Tenants had paid a total of \$2,300.00 to the Landlord after the application was filed.
6. The parties have had several discussions about resolving this application through an payment agreement, but no agreement has been reached between the parties.

7. I have considered all of the disclosed circumstances in accordance with section 83 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. The arrears of rent are significant, and it would not be reasonable to postpone this eviction any further.

**It is ordered that:**

1. Unless the Tenants void the order as set out below, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before November 6, 2021.
2. The Tenants shall pay to the Landlord \$9,735.43\*, which represents the amount of rent owing and compensation up to October 26, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. Any payments made by the Tenants to the Landlord since the date of the hearing shall be deducted from the overall outstanding amount.
4. The Tenants shall also pay to the Landlord \$75.62 per day for compensation for the use of the unit starting October 27, 2021 to the date the Tenants move out of the unit.
5. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. If the Tenants do not pay the Landlord the full amount owing\* on or before November 6, 2021, the Tenants will start to owe interest. This will be simple interest calculated from November 7, 2021 at 2.00% annually on the balance outstanding.
7. If the unit is not vacated on or before November 6, 2021, then starting November 7, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 November 7, 2021.
9. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust:
  - i) \$12,486.00 if the payment is made on or before October 31, 2021, or
  - ii) \$14,786.00 if the payment is made on or before November 6, 2021\*\*.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
10. 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 November 7, 2021 but before the Sheriff gives vacant possession to the Landlord. The

Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

**October 26, 2021**  
**Date Issued**



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Arnab Quadry  
Member, Landlord and Tenant Board

Eastern-RO  
255 Albert Street, 4th Floor  
Ottawa ON K1P6A9

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 7, 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 143583 (ON LTB)

**A. Amount the Tenants 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, 2021 to May 16, 2021	\$2,009.86
Less the amount the Tenants paid to the Landlord		-\$2,300.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	May 17, 2021 to October 26, 2021	\$12,326.06
Less the rent deposit:		-\$2,300.00
Less the interest owing on the rent deposit:	March 1, 2021 to May 16, 2021	-\$0.49
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$9,735.43</b>
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 27, 2021:		\$75.62 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$9,921.43, + \$75.62 per day starting October 27, 2021</b>

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

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	April 1, 2021 to October 31, 2021	\$14,600.00
Less the amount the Tenants paid to the Landlord:		-\$2,300.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before October 31, 2021	<b>\$12,486.00</b>

**2. If the payment is made after October 31, 2021 but on or before November 6, 2021:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	April 1, 2021 to November 30, 2021	\$16,900.00

Less the amount the Tenants paid to the Landlord:		-\$2,300.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before November 6, 2021	<b>\$14,786.00</b>