



Order under Section 69
Residential Tenancies Act, 2006

File Number: EAL-95713-21

In the matter of: 411, 2025 OTHELLO AVENUE
OTTAWA ON K1G3R4

Between: Osgoode Properties Landlord

and

Lydia Solange Glagbo Tenant

Osgoode Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Lydia Solange Glagbo (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed NSF cheque charges and related administration charges.

This application was heard by videoconference on August 10, 2021. The Landlord's Legal Representative, D. Dames, attended the hearing. As of 1:50 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 March 1, 2021 to August 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective April 26, 2021.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$1,230.35.
4. The Landlord incurred charges of \$5.00 for a cheque tendered by or on behalf of the Tenant, which was returned NSF, and \$20.00 for related administration charges. The Tenant made a payment to the Landlord on July 26, 2021, but that cheque was returned NSF.
5. As of the date of the hearing, the Tenant had paid \$4,821.44 to the Landlord after the application was filed.
6. The Landlord sent written correspondence to the Tenant in January, February, and March of 2021 in an attempt to resolve the outstanding arrears through an agreement. However, the Tenant did not respond to the Landlord's efforts and 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 Tenant voids the order as set out below, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before November 7, 2021.
2. The Tenant shall pay to the Landlord \$4,748.03*, which represents the amount of rent owing and compensation up to October 27, 2021 and the total charges related to a NSF cheque tendered to the Landlord by or on behalf of the Tenant.
3. Any payments made by the Tenant to the Landlord since the date of the hearing shall be deducted from the overall outstanding amount.
4. The Tenant shall also pay to the Landlord \$40.45 per day for compensation for the use of the unit starting October 28, 2021 to the date the Tenant moves out of the unit.
5. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. If the Tenant does not pay the Landlord the full amount owing* on or before November 7, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 8, 2021 at 2.00% annually on the balance outstanding.
7. If the unit is not vacated on or before November 7, 2021, then starting November 8, 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 8, 2021.
9. If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlord or to the Board in trust:
 - i) \$5,051.98 if the payment is made on or before October 31, 2021, or
 - ii) \$6,282.33 if the payment is made on or before November 7, 2021**.If the Tenant does 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 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 November 8, 2021 but before the Sheriff gives vacant possession to the Landlord. The

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

October 27, 2021
Date Issued



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 8, 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 142752 (ON LTB)

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)	March 1, 2021 to April 26, 2021	\$2,101.67
Less the amount the Tenant paid to the Landlord		-\$4,821.44
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	April 27, 2021 to October 27, 2021	\$7,442.80
NSF cheque charges:		\$5.00
Administration charges related to NSF cheque charges:		\$20.00
Amount owing to the Landlord on the order date: (total of previous boxes)		\$4,748.03
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 28, 2021:		\$40.45 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$4,934.03, + \$40.45 per day starting October 28, 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 October 31, 2021:

Reasons for amount owing	Period	Amount
Arrears:	March 1, 2021 to October 31, 2021	\$9,662.42
Less the amount the Tenant paid to the Landlord:		-\$4,821.44
Additional costs the Tenant must pay to the Landlord:		\$186.00
NSF cheque charges:		\$5.00
Administration charges related to NSF cheque charges:		\$20.00
Total the Tenant must pay to continue the tenancy:	On or before October 31, 2021	\$5,051.98

2. If the payment is made after October 31, 2021 but on or before November 7, 2021:

Reasons for amount owing	Period	Amount
Arrears:	March 1, 2021 to November 30, 2021	\$10,892.77
Less the amount the Tenant paid to the Landlord:		-\$4,821.44
Additional costs the Tenant must pay to the Landlord:		\$186.00
NSF cheque charges:		\$5.00
Administration charges related to NSF cheque charges:		\$20.00
Total the Tenant must pay to continue the tenancy:	On or before November 7, 2021	\$6,282.33