



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

**File Number:** SWL-53188-21

**In the matter of:** 170, 1560 ADELAIDE STREET NORTH  
LONDON ON N5X 2C1

**Between:** Homestead Land Holdings Limited Landlord

**and**

Darryl Whaley Tenant

Homestead Land Holdings Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Darryl Whaley (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on September 9, 2021 at 1:00 p.m.

The Landlord's Legal Representative, Crystal Sankey, and the Tenant, Darryl Whaley, 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 September 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective July 8, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$877.63.
4. The Landlord is holding a last month's rent deposit that exceeds the current monthly rent, which is not permitted by the Act. The Tenant has been credited with \$39.92, the difference between the amount currently held and the permissible amount. The last month's rent deposit now equals the current monthly rent.
5. The Landlord collected a rent deposit of \$877.63 from the Tenant and this deposit is still being held by the Landlord.

6. Interest on the rent deposit is owing to the Tenant for the period from January 1, 2021 to July 8, 2021.
7. The Tenant paid \$1,755.26 after the application was filed.
8. At the hearing, the eviction date was postponed to October 15, 2021, as the order is being issued on November 12, 2021, the extension has effectively been granted.

**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 23, 2021.
2. The Tenant shall pay to the Landlord \$2,099.15\*, which represents the amount of rent owing and compensation up to November 12, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$28.85 per day for compensation for the use of the unit starting November 13, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing\* on or before November 23, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 24, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before November 23, 2021, then starting November 24, 2021, the Landlord 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 Landlord, on or after November 24, 2021.
8. If, on or before November 23, 2021, the Tenant pays the amount of \$3,656.60\*\* to the Landlord 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 Landlord 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 November 24, 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.

**November 12, 2021**  
**Date Issued**



Peter Pavlovic  
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 24, 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**

**File Number: SWL-53188-21**

**A. Amount the Tenant 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)	June 1, 2021 to July 8, 2021	\$1,068.54
Less the amount the Tenant paid to the Landlord		-\$1,755.26
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	July 9, 2021 to November 12, 2021	\$3,663.95
Less the rent deposit:		-\$877.63
Less the interest owing on the rent deposit:	January 1, 2021 to July 8, 2021	-\$0.45
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$2,099.15</b>
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting November 13, 2021:		\$28.85 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$2,285.15, + \$28.85 per day starting November 13, 2021</b>

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	June 1, 2021 to November 30, 2021	\$5,225.86
Less the amount the Tenant paid to the Landlord		-\$1,755.26
Additional costs the Tenant must pay to the Landlord:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before November 23, 2021	<b>\$3,656.60</b>

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