



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

**File Number:** TEL-15898-21

**In the matter of:** 25, 8 TRENTON STREET  
TRENTON ON K8V4M9

**Between:** Mahima Gill Landlord

**and**

Mitchell Weymark Tenant

Mahima Gill (the 'Landlord') applied for an order to terminate the tenancy and evict Mitchell Weymark (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on July 21, 2021. The Landlord's Legal Representative, L. McCullough, attended the hearing on behalf of the Landlord. As of 1:52 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 January 1, 2021 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective March 17, 2021.
2. As of the date of the hearing, the Tenant was in possession of the rental unit.
3. The monthly rent is \$500.00.
4. The Landlord is not holding a rent deposit.
5. As of the date of the hearing, the Tenant had not made any payments to the Landlord after the application was filed.
6. The Landlord wrote several letters to the Tenant in attempts to resolve this application through an agreement. However, 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'), including the impact of the COVID-19 pandemic upon the parties and whether the Landlord has attempted to negotiate an agreement with the Tenant regarding the outstanding arrears, 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 October 31, 2021.
2. The Tenant shall pay to the Landlord \$4,846.93\*, which represents the amount of rent owing and compensation up to October 20, 2021.
3. The Tenant shall also pay to the Landlord \$16.44 per day for compensation for the use of the unit starting October 21, 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 October 31, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 1, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 31, 2021, then starting November 1, 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 1, 2021.
8. If, on or before October 31, 2021, the Tenant pays the amount of \$5,186.00\*\* 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 1, 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 20, 2021**  
**Date Issued**



Arnab Quadry  
Member, Landlord and Tenant Board

Toronto East-RO  
2275 Midland Avenue, Unit 2  
Toronto ON M1P3E7

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 1, 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: TEL-15898-21**

**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)	January 1, 2021 to March 17, 2021	\$1,279.45
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 18, 2021 to October 20, 2021	\$3,567.48
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$4,846.93</b>
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 21, 2021:		\$16.44 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$5,032.93, + \$16.44 per day starting October 21, 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:	January 1, 2021 to October 31, 2021	\$5,000.00
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 October 31, 2021	<b>\$5,186.00</b>

2021 CanLII 139842 (ON LTB)