



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-53149-21

In the matter of: 2, 428 ENGLISH STREET
LONDON ON N5W 3T5

Between: Helmut Pfundner

Landlord

and

Anthony Smit

Tenant

Helmut Pfundner (the 'Landlord') applied for an order to terminate the tenancy and evict Anthony Smit (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 attended the hearing. As of 2:58 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

The hearing proceeded without the Tenants at 2:58 p.m.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from July 1, 2021 to September 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective July 21, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$950.00.
4. The Tenant made no payments after the application was filed.
5. There is no last month's rent deposit.
6. As of the hearing date, the Tenant owed the Landlord, \$2,636.00 including arrears of rent to September 30, 2021 of \$2,450.00 and the application fee of \$186.00. Since the hearing, another two rental periods have begun, and two more month's rent have become due. Therefore, the amount in this order includes October 2021 and November 2021's

rent. If the Tenant has paid the Landlord October 2021 and November 2021's rent, and /or made any payments to the Landlord since the hearing, the Landlord shall deduct those payments from the amount owing in this order.

7. 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. The Tenant did not attend the hearing to present evidence or submissions in support of granting relief from eviction and no circumstances were disclosed at the hearing or appeared in the Board file.

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 December 6, 2021.
2. The Tenant shall pay to the Landlord \$4,222.10*, which represents the amount of rent owing and compensation up to November 25, 2021.
3. The Tenant shall also pay to the Landlord \$31.23 per day for compensation for the use of the unit starting November 26, 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 December 6, 2021, the Tenant will start to owe interest. This will be simple interest calculated from December 7, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 6, 2021, then starting December 7, 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 December 7, 2021.
8. 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) \$4,536.00 if the payment is made on or before November 30, 2021,
or
 - ii) \$5,486.00 if the payment is made on or before December 6, 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.

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 December 7, 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 25, 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 June 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 147355 (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)	July 1, 2021 to July 21, 2021	\$255.89
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	July 22, 2021 to November 25, 2021	\$3,966.21
Amount owing to the Landlord on the order date: (total of previous boxes)		\$4,222.10
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting November 26, 2021:		\$31.23 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$4,408.10, + \$31.23 per day starting November 26, 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 November 30, 2021:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2021 to November 30, 2021	\$4,350.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before November 30, 2021	\$4,536.00

2. If the payment is made after November 30, 2021 but on or before December 6, 2021:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2021 to December 31, 2021	\$5,300.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before December 6, 2021	\$5,486.00