

# Arrears Worksheet

File Number: CEL-06558-10

**Time period for Arrears Owing**      From: July 1, 2010 to July 19, 2010  
 (From the commencement of arrears to the termination date in the notice, or the end of the rental period if the tenancy is not being terminated.)

**Part 1 - Calculations of Arrears Owing**

(A) Rent Period (monthly, weekly, etc.)	(B) Rent Charged	(C) Lawful Rent (if issue raised)	(D) Lower of (B) and (C)	(E) Rent Paid	(F) Amount Owing (D-E)
01/07/2010 - 19/07/2010	\$871.40		\$871.40		\$871.40
**Part Month					
<b>(F) Total Rent Owing</b>					<b>\$871.40</b>

\*\* To calculate the Rent for part of a month, use the following formula for columns (B), (C) and (D):

$$\frac{\text{Monthly Rent} \times 12 \times \# \text{ Days}}{365}$$

<b>(G1) Arrears Owing</b> [From (F)]	\$871.40
<b>(G2) Arrears Claimed</b>	\$2,985.00
<b>(G3) Include whichever is less when Calculation Total Arrears Owing</b>	<b>\$871.40</b>
<b>(I) Total Amount Owing</b>	<b>\$871.40</b>

**Part II - Calculation of Compensation**

(Use this part if the tenancy is being terminated)

<b>(J) (i) Lump Sum Compensation Start Date</b> (Day after termination date in notice)	July 20, 2010
<b>(ii) Lump Sum Compensation End Date</b> (Date of order)	November 22, 2010
<b>(K) Daily Compensation</b> $\frac{\text{Monthly Rent} \times 12}{365}$	\$45.86
<b>(L) Number of Days for Lump Sum Compensation</b> (# days between start date and order date - inclusive)	126 days
<b>(M) Total Lump Sum Compensation</b>	<b>\$5,778.36</b>

[(K) X (L)] =

**Part III - Rent Deposit and Interest Owning**

(Use this part if you are terminating the tenancy)

**(N) Rent Deposit** **\$1,395.00**

**(O1) Interest Owning on Rent Deposit**

For period from: 01/12/2009 to 19/07/2010

(i) Annual Amount (S) X 2.1% =	\$29.30	
(ii) Daily Amount (i) / 365 =	0.0803	
(iii) Interest Owning (ii) X 231 (# of days) =		<b>\$18.55</b>

**(O2) Total amount of interest owing on rent deposit**

[(O1)] \$18.55

**(P) Rent Deposit + Interest**

[(N) + (O2)] = **\$1,413.55**

**Part IV - Total Amount Owning**

**(Q) Terminating the tenancy [I+M-P]** **\$5,236.21**

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

**File Number:** CEL-06558-10

**In the matter of:** C, 6520 GLEN ERIN DRIVE  
MISSISSAUGA ON L5N3S3

**Between:** 2071417 Ontario Inc. Landlord

**And**

Tara Zolnai Tenant

2071417 Ontario Inc. (No. Co.) (the 'Landlord') applied for an order to terminate the tenancy and evict Tara Zolnai (TZ) (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 scheduled to be heard on September 20, 2010. The matter was adjourned and an interim order issued on September 20, 2010. The interim order required the Tenant to provide disclosure to the Landlord and to make certain payments to the Board.

This application was heard in Mississauga on November 12, 2010.

The Landlord, represented by Cathy Corsetti (CC), and the Tenant and Tenant Duty Counsel Barbara Jones (BJ), attended the hearing.

At the hearing the Tenant requested an adjournment. Upon hearing the submissions of the parties, the adjournment was denied.

**Determinations:**

1. The Tenant failed to provide a reasonable explanation for her failure to comply with the terms of the interim order. Pursuant to subsection 195(4) of the *Residential Tenancies Act, 2006*, I did not consider the evidence and submissions of the Tenant.
2. The Tenant has not paid the total rent she was required to pay for the period from July 1, 2010 to November 30, 2010. Because of the arrears, the Landlord served a Notice of Termination effective July 19, 2010.

3. The Landlord failed to prove on a balance of probabilities that 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.
4. The Landlord collected a rent deposit of \$1,395.00 from the Tenant and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenant for the period from December 1, 2009 to July 19, 2010.
6. 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.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before December 3, 2010.
2. The Tenant shall pay to the Landlord \$5,236.21\*, which represents the amount of rent owing and compensation up to November 22, 2010, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$45.86 per day for compensation for the use of the unit starting November 23, 2010 to the date she moves out of the unit.
4. The Tenant shall also pay to the Landlord \$170.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing\* on or before December 3, 2010, the Tenant will start to owe interest. This will be simple interest calculated from December 4, 2010 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 3, 2010, then starting December 4, 2010, 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 4, 2010.
8. If the Tenant wishes to void this order and continue the tenancy, she must pay to the Landlord or to the Board in trust:
  - i) \$7,145.00 if the payment is made on or before November 30, 2010, or
  - ii) \$8,540.00 if the payment is made on or before December 3, 2010\*\*.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 4, 2010 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 22, 2010**

**Date Issued**

---

Jeanie Theoharis

Member, Landlord and Tenant Board

Central-RO  
3 Robert Speck Pkwy, Suite 520, 5th Floor  
Mississauga Ontario L4Z2G5

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 4, 2011 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: CEL-06558-10

**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)	July 1, 2010 to July 19, 2010	\$871.40
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	July 20, 2010 to November 22, 2010	\$5,778.36
Less the rent deposit:		-\$1,395.00
Less the interest owing on the rent deposit:	December 1, 2009 to July 19, 2010	-\$18.55
Amount owing to the Landlord on the order date:(total of previous boxes)		<b>\$5,236.21</b>
Additional costs the Tenant must pay to the Landlord:		\$170.00
Plus daily compensation owing for each day of occupation starting November 23, 2010:		\$45.86 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$5,406.21, + \$45.86 per day starting November 23, 2010</b>

**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, 2010:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	July 1, 2010 to November 30, 2010	\$6,975.00
Additional costs the Tenant must pay to the Landlord:		\$170.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before November 30, 2010	<b>\$7,145.00</b>

**2. If the payment is made after November 30, 2010 but on or before December 3, 2010:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	July 1, 2010 to December 31, 2010	\$8,370.00
Additional costs the Tenant must pay to the Landlord:		\$170.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before December 3, 2010	<b>\$8,540.00</b>