



Order under Section 94
Residential Tenancies Act, 2006

File Number: SOL-14707-20
SOL-14708-20

In the matter of: 29, 57 FOREST AVENUE
HAMILTON ON L8N1X3

Between: IMH Pool XX LP by its agent DMS Prop. Landlord

and

Hugo Armando Echeverri Orozco Tenants
Luz Jasmine Gallego Zaray

IMH Pool XX LP by its agent DMS Prop. (the 'Landlord') applied for an order to evict Hugo Armando Echeverri Orozco and Luz Jasmine Gallego Zaray (the 'Tenants') because the Tenants occupy the superintendent's unit and the Tenants' employment as superintendents has ended. The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

The applications were heard together by way of a video conference hearing on June 16, 2021. The Landlord's Legal Representative, D. Rubin, attended the hearing on behalf of the Landlord. As of 12:41 p.m., the Tenants were not present or represented at the hearing, although properly served with notice of this hearing by the Board.

Preliminary Issue:

1. The applications in SOL-14707-20 and SOL-14708-20 are consolidated and heard together, as they pertain to the same rental unit. The Tenants resided at the rental unit together and were both employed as superintendents by the Landlord.

Determinations:

2. The Landlord terminated the employment of the Tenants on April 3, 2020. The Tenants had not vacated the superintendents' premises as of the date when these applications were filed, and more than one week had passed since their employment was terminated.
3. According to subsection 93(3) of the *Residential Tenancies Act, 2006* (the 'Act'), the Landlord cannot charge the Tenants any rent or compensation for one week following the termination of the superintendents' employment. As such, the Tenants are responsible for rent and compensation from April 11, 2020 onwards.
4. The Tenants were in possession of the rental unit when the applications were filed.

5. The Tenants did not make any payments to the Landlord after the applications were filed.
6. The Tenants vacated the rental unit on March 1, 2021.
7. According to the Landlord's submissions, the rent charged for the rental unit was \$1,367.43 per month, which I find to be reasonable. In accordance with the Landlord's request, I find that the daily compensation charged to the Tenants will be based on a monthly rent of \$1,367.43, starting from April 11, 2020 and ending on March 1, 2021.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of March 1, 2021, the date the Tenants gave vacant possession of the rental unit to the Landlord.
2. The Tenants shall pay to the Landlord \$14,565.93, which represents compensation for the use of the unit from April 11, 2020 to March 1, 2021.
3. The Tenants shall also pay to the Landlord \$175.00 for the cost of filing the applications.
4. If the Tenant does not pay the Landlord the full amount owing on or before August 21, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 22, 2021 at 2.00% annually on the balance outstanding.

August 10, 2021
Date Issued



Arnab Quadry
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.