



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-49332-21

In the matter of: 724 ACTIVA AVENUE
KITCHENER ON N2E4C4

Between: Elkaris Garcia Landlords
Ricardo Anaya

and

Christine Brown Tenants
Morgan Mcmillan

Elkaris Garcia and Ricardo Anaya (the 'Landlords') applied for an order to terminate the tenancy and evict Christine Brown and Morgan Mcmillan (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on July 22, 2021. Only Ricardo Anaya on behalf of both Landlords attended the hearing. As of 2:07 p.m. the Tenants were not present or represented although properly served with the notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from December 1, 2020 to May 5, 2021. Because of the arrears, the Landlords served a Notice of Termination effective February 16, 2021.
2. The Tenants vacated the rental unit on May 5, 2021. The Tenants were in possession of the rental unit when this application was filed.
3. The lawful monthly rent was \$1,610.00.
4. The Landlords collected a rent deposit of \$1,450.00 from the Tenants and this deposit is still being held by the Landlords.
5. Interest on the rent deposit is owing to the Tenants for the period from June 1, 2015 to February 16, 2021.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of May 5, 2021, the date the rental unit was vacated.
2. The Tenants shall pay to the Landlords \$6,609.36*, which represents the amount of rent owing and compensation up to May 5, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
4. If the Tenants do not pay the Landlords the full amount owing* on or before August 8, 2021, the Tenants will start to owe interest. This will be simple interest calculated from August 9, 2021 at 2.00% annually on the balance outstanding.

July 29, 2021

Date Issued



Vladimir Nikitin
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.

* Refer to section A on the attached Summary of Calculations.

**Schedule 1
SUMMARY OF CALCULATIONS**

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A. Amount the Tenants must pay as the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	December 1, 2020 to February 16, 2021	\$4,066.90
Plus compensation: (from the day after the termination date in the Notice to the date unit vacated)	February 17, 2021 to May 5, 2021	\$4,128.54
Less the rent deposit:		-\$1,450.00
Less the interest owing on the rent deposit:	June 1, 2015 to February 16, 2021	-\$136.08
Amount owing to the Landlords on the order date: (total of previous boxes)		\$6,609.36
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay the Landlords as the tenancy is terminated:		\$6,795.36

2021 CanLII 109434 (ON LTB)