



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

**File Number:** SOL-23687-21-AM

**In the matter of:** 85 WALNUT STREET  
**BRANTFORD** ON N3T1H3

**Between:** Anthony Giuliano Landlords  
Alessandro Di Scipio

**and**

Johnathan Semple Tenants  
Meaghan Semple

Anthony Giuliano and Alessandro Di Scipio (the 'Landlords') applied for an order to terminate the tenancy and evict Johnathan Semple and Meaghan Semple (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe ('L1 Application'). The Landlords also applied for an order to terminate the tenancy and evict the Tenants because they have been persistently late in paying their rent. The Landlords also claimed compensation for each day the Tenants remained in the unit after the termination date ('L2 Application').

This application was heard by videoconference on October 27, 2021. Only the Landlords and their legal representative, Thomas Schoenleber, attended the hearing. As of 10:20 a.m. the Tenants were not present or represented although properly served with the notice of this hearing by the Board.

**This amended order is issued to correct a clerical error in the original order issued on November 2, 2021.**

**Determinations:**

L2 application

1. The Tenants have persistently failed to pay rent on the day it was due. The Tenants were late 10 out of 16 months between April 2020 and July 2021. The Landlord then served the Tenants with a notice of termination for persistently paying rent late with a termination date of September 30, 2021. The Tenants continued paying rent late after receiving the notice.

L1 Application

2. The Tenants have not paid the total rent the Tenants were required to pay for the period from May 1, 2021 to October 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective July 25, 2021.
3. The Tenants are in possession of the rental unit.
4. The lawful monthly rent is \$1,875.00.
5. The amount of rent arrears (\$2,745.00) and costs (\$201.00) owing to the Landlords to the end of October 2021 is \$2,946.00.
6. The Landlords collected a rent deposit of \$1,875.00 from the Tenants and this deposit is still being held by the Landlords.
7. Interest on the rent deposit is owing to the Tenants for the period from January 1, 2020 to July 25, 2021.

Relief under section 83

8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of Covid-19 on the parties and whether the Landlords attempted to negotiate a payment agreement with the Tenants, and find that it would not be unfair to grant relief from eviction subject to the condition(s) set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.
9. The Landlords have been discussing a repayment plan with the Tenants and were close to reaching an agreement. At the hearing the Landlords did not object to an order allowing the Tenants to preserve the tenancy subject to the conditions below based on the parties' discussions. The Tenants did not attend the hearing to request further or different relief from eviction. I find that it is not unfair to grant relief subject to the conditions below.

**It is ordered that:**

1. The Tenants shall pay to the Landlords \$2,946.00, which represents the arrears of rent and costs outstanding for the period ending October 31, 2021.
2. The Landlords' application for eviction of the Tenants is denied on the condition that the Tenants pay to the Landlords the following amounts in respect of the monies owing under paragraph 1 of this order and rent that comes due between November 1, 2021 and January 31, 2022:
  - (a) \$720.00 on or before November 5, 2021, if the Tenants haven't already made this payment between the date of the hearing and the date of issuance of this order;
  - (b) \$720.00 on or before each of the following 10 dates: November 5, 2021, November 12, 2021, November 19, 2021, November 26, 2021, December 3, 2021, December

10, 2021, December 17, 2021, December 24, 2021, January 7, 2022, January 14, 2022; and

(c) \$651.00 on or before January 21, 2022.

- 3. The Tenants shall also pay to the Landlords the rent for the months of February 2022 to January 2023 in full, and on or before the first of each corresponding month.
- 4. If the Tenants fail to make any of the payments in accordance with paragraphs 2 or 3 of this order, then:
  - (a) The Landlords may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenants, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlords must make an application within 30 days of a breach of a condition set out in paragraphs 2 or 3 of this order.
  - (b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the *Act*.

**November 2, 2021**  
**Date Issued**



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Vladimir Nikitin  
Member, Landlord and Tenant Board

**November 23, 2021**  
**Date Amended**

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