



Order under Section 69
Residential Tenancies Act, 2006

File Number: TEL-15549-21

In the matter of: BASEMENT, 6 MID PINES ROAD
SCARBOROUGH ON M1G2L6

Between: Sai Nan (Karen) Hao Landlord

and

Shane Kendall Tenant

Sai Nan (Karen) Hao (the 'Landlord') applied for an order to terminate the tenancy and evict Shane Kendall and Kristy Badger (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on July 14, 2021. The Landlord, the Landlord's Legal Representative, Payam Esfahani, and the Tenant, Kristy Badger, attended the hearing. As of 10:30 a.m., the Tenant, Shane Kendall, was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. On consent of the parties, Kristy Badger is removed as Tenant in the application.
2. The Tenant has not paid the total rent the Tenant was required to pay for the period from February 1, 2021 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective February 28, 2021.
3. The Tenant is in possession of the rental unit.
4. The lawful monthly rent is \$1,100.00.
5. The Landlord is not holding a last month's rent deposit.
6. The Tenant has made no payments since the application was filed.
7. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenant, 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. 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 August 1, 2021.
2. The Tenant shall pay to the Landlord \$7,370.88*, which represents the amount of rent owing and compensation up to July 21, 2021.
3. The Tenant shall also pay to the Landlord \$36.16 per day for compensation for the use of the unit starting July 22, 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 August 1, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 2, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 1, 2021, then starting August 2, 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 August 2, 2021.
8. If the Tenant wish to void this order and continue the tenancy, the Tenant must pay to the Landlord or to the Board in trust:
 - i) \$6,786.00 if the payment is made on or before July 31, 2021, or
 - ii) \$7,886.00 if the payment is made on or before August 1, 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 August 2, 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.

July 21, 2021
Date Issued



Khalid Akram
Member, Landlord and Tenant Board

Toronto East-RO
2275 Midland Avenue, Unit 2
Toronto ON M1P3E7

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 February 2, 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 110619 (ON LTB)

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

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	February 1, 2021 to February 28, 2021	\$2,200.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 1, 2021 to July 21, 2021	\$5,170.88
Amount owing to the Landlord on the order date: (total of previous boxes)		\$7,370.88
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting July 22, 2021:		\$36.16 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$7,556.88, + \$36.16 per day starting July 22, 2021

B. Amount the Tenants must pay to void the eviction order and continue the tenancy:

1. If the payment is made on or before July 31, 2021:

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2021 to July 31, 2021	\$6,600.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before July 31, 2021	\$6,786.00

2. If the payment is made after July 31, 2021 but on or before August 1, 2021:

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2021 to August 31, 2021	\$7,700.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before August 1, 2021	\$7,886.00