



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

**File Number:** SOL-17612-20

**In the matter of:** 48 ODESSA STREET  
STONE CREEK ON L8J1A4

**Between:** CityHousing Hamilton Landlord

**and**

Amal Elamin Tenant

CityHousing Hamilton (the 'Landlord') applied for an order to terminate the tenancy and evict Amal Elamin (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard via videoconference on May 4, 2021.

The Landlord's legal representative, Sharon Churcher, attended the hearing. As of 2:15p.m., the Tenant was not present or represented at the Board although she was properly served with notice of the hearing.

**Determinations:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from July 1, 2020 to May 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective January 31, 2020.
2. The monthly rent is \$1,354.00.
3. The Tenant is in possession of the rental unit.
4. The Tenant paid \$2,200.00 after the application was filed.
5. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'). The Landlord has made multiple attempts in contacting the Tenant to discuss a repayment plan. The Landlord has also discussed the repayment plan with the Tenant's adult son and was informed that the Tenant would contact the Landlord. However, the Tenant has failed to respond to the Landlord. As such, I 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 May 25, 2021.
2. The Tenant shall pay to the Landlord \$727.29\*, which represents the amount of rent owing and compensation up to May 14, 2021.
3. The Tenant shall also pay to the Landlord \$6.41 per day for compensation for the use of the unit starting May 15, 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 May 25, 2021, the Tenant will start to owe interest. This will be simple interest calculated from May 26, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before May 25, 2021, then starting May 26, 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 May 26, 2021.
8. If, on or before May 25, 2021, the Tenant pays the amount of \$10,862.00\*\* to the Landlord or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated, and the Tenant could remain in the unit. If this payment is not made in full and on time, 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 May 26, 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.
10. This order terminates the tenancy and permits the Landlord to file the order with Court Enforcement Office (Sheriff) to evict the Tenant. However, as of the date this matter was heard, the Sheriff cannot enforce this order as a result of Ontario Regulation 266/21 made under the *Emergency Management and Civil Protection Act* on April 8, 2021. The Tenant cannot be evicted from the rental unit while this regulation is in force. Eviction by the Sheriff may occur after the regulation is removed by the Ontario Government.

2021 CanLII 89601 (ON LTB)

**May 14, 2021**  
**Date Issued**



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Tavlin Kaur  
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on November 26, 2021 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: SOL-17612-20**

**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, 2020 to January 31, 2020	-\$79.00
Less the amount the Tenant paid to the Landlord		-\$2,200.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	February 1, 2020 to May 14, 2021	\$3,006.29
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$727.29</b>
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting May 15, 2021:		\$6.41 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$913.29, + \$6.41 per day starting May 15, 2021</b>

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	July 1, 2020 to May 31, 2021	\$12,876.00
Less the amount the Tenant paid to the Landlord		-\$2,200.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before May 25, 2021	<b>\$10,862.00</b>

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