



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-10605-21

In the matter of: 30 DAYMAN DRIVE
ANCASTER ON L9K0J9

Between: Waheed Malik Landlord

and

Anita Zolkowska-blaker Tenants
Jeffery Barrat

Waheed Malik (the 'Landlord') applied for an order to terminate the tenancy and evict Anita Zolkowska-blaker and Jeffery Barrat (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on August 6, 2021.

Only the Landlord attended the hearing. As of 9:48 a.m., the Tenants were not present or represented at the hearing although properly served with 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 August 31, 2021. Because of the arrears, the Landlord served a Notice of Termination.
2. The Tenants are in possession of the rental unit.
3. The monthly rent is \$2,300.00.
4. The Tenants have made no payments since the filing of the application.
5. The Landlord seeks a termination of the tenancy by way of standard 11 day voidable order as the arrears are substantial and the Tenants have made no payments since the application was filed. The Landlord testified that they have attempted to resolve the matter and that they are not aware of any circumstances that would cause me to delay or deny a termination of the tenancy. The Tenants did not attend the hearing to give evidence of their circumstances.

6. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), 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 Tenants void the order as set out below, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before August 24, 2021.
2. The Tenants shall pay to the Landlord \$8,141.32*, which represents the amount of rent owing and compensation up to August 13, 2021.
3. The Tenants shall also pay to the Landlord \$75.62 per day for compensation for the use of the unit starting August 14, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before August 24, 2021, the Tenants will start to owe interest. This will be simple interest calculated from August 25, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 24, 2021, then starting August 25, 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 25, 2021.
8. If, on or before August 24, 2021, the Tenants pay the amount of \$9,386.00** 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 Tenants 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 Tenants 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 25, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

August 13, 2021
Date Issued



Nicola Mulima
Member, Landlord and Tenant Board

Head Office
777 Bay Street, 12th Floor
Toronto Ontario M5G2E5

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

Reasons for amount owing	Period	Amount
Arrears & Compensation	December 1, 2020 to August 13, 2021	\$8,141.32
Amount owing to the Landlord on the order date: (total of previous boxes)		\$8,141.32
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting August 14, 2021:		\$75.62 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$8,327.32, + \$75.62 per day starting August 14, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2020 to August 31, 2021	\$9,200.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before August 24, 2021	\$9,386.00