



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-21964-21

In the matter of: 6 STINSON AVENUE
BRANTFORD ON N3T1X1

Between: Geoffrey Palmer Landlords
Stephanie Palmer

and

Diane Nieuwenhuysen (Burnett) Tenants
Liam Nieuwenhuysen

Geoffrey Palmer and Stephanie Palmer (the 'Landlords') applied for an order to terminate the tenancy and evict Liam Nieuwenhuysen and Diane Nieuwenhuysen (Burnett) (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on August 31, 2021. Only the Landlords' Legal Representative, Howard Tavroges, attended the hearing. 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 November 1, 2020 to August 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective April 26, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$2,000.00.
4. The Landlords collected a rent deposit of \$2,000.00 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 August 1, 2020 to April 26, 2021.
6. The Tenants paid \$7,619.91 after 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 Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 9, 2021.
2. The Tenants shall pay to the Landlords \$553.45*, which represents the amount of rent owing and compensation up to September 28, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$65.75 per day for compensation for the use of the unit starting September 29, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing* on or before October 9, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 10, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 9, 2021, then starting October 10, 2021, the Landlords 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 Landlords, on or after October 10, 2021.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlords or to the Board in trust:
 - i) \$2,840.09 if the payment is made on or before September 30, 2021, or
 - ii) \$4,840.09 if the payment is made on or before October 9, 2021**.
 If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlords 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 October 10, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.



Renee Lang
Member, Landlord and Tenant Board

September 28, 2021
Date Issued

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 April 10, 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 125855 (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)	November 1, 2020 to April 26, 2021	-\$16.41
Less the amount the Tenants paid to the Landlords		-\$7,619.91
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	April 27, 2021 to September 28, 2021	\$10,191.25
Less the rent deposit:		-\$2,000.00
Less the interest owing on the rent deposit:	August 1, 2020 to April 26, 2021	-\$1.48
Amount owing to the Landlords on the order date: (total of previous boxes)		\$553.45
Additional costs the Tenants must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting September 29, 2021:		\$65.75 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$739.45, + \$65.75 per day starting September 29, 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 September 30, 2021:

Reasons for amount owing	Period	Amount
Arrears:	November 1, 2020 to September 30, 2021	\$10,274.00
Less the amount the Tenants paid to the Landlords:		-\$7,619.91
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before September 30, 2021	\$2,840.09

2. If the payment is made after September 30, 2021 but on or before October 9, 2021:

Reasons for amount owing	Period	Amount
Arrears:	November 1, 2020 to October 31, 2021	\$12,274.00
Less the amount the Tenants paid to the Landlords:		-\$7,619.91
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before October 9, 2021	\$4,840.09