



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-17880-20

In the matter of: 1, 1052 BARTON STREET E
HAMILTON ON L8L3E5

Between: 2488037 Ontario Inc

Landlord

and

Fawn Whitewick

Tenant

2488037 Ontario Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Fawn Whitewick (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by video conference on June 1, 2021. Only the Landlord's agent, Mr. Gibson, and the Landlord's legal representative, Noah Aresta, attended the hearing.

Determinations:

1. The Tenant is in possession of the rental unit.
2. The monthly rent is \$1,200.00.
3. The Tenant has not paid the total rent the Tenant was required to pay for the period from October 1, 2020 to June 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective November 6, 2020.
4. No payments have been made since the application was filed.
5. The Landlord collected a rent deposit of \$1,200.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from March 1, 2020 to November 6, 2020.
7. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (the 'Act'), 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 June 19, 2021.
2. The Tenant shall pay to the Landlord \$8,660.86*, which represents the amount of rent owing and compensation up to June 8, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$39.45 per day for compensation for the use of the unit starting June 9, 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 June 19, 2021, the Tenant will start to owe interest. This will be simple interest calculated from June 20, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before June 19, 2021, then starting June 20, 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 June 20, 2021.
8. If, on or before June 19, 2021, the Tenant pays the amount of \$10,986.00** 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 June 20, 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.

June 8, 2021
Date Issued

Dawn Sullivan
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 December 20, 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-17880-20

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

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	October 1, 2020 to November 6, 2020	\$1,436.71
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	November 7, 2020 to June 8, 2021	\$8,442.30
Less the rent deposit:		-\$1,200.00
Less the interest owing on the rent deposit:	March 1, 2020 to November 6, 2020	-\$18.15
Amount owing to the Landlord on the order date: (total of previous boxes)		\$8,660.86
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting June 9, 2021:		\$39.45 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$8,846.86, + \$39.45 per day starting June 9, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	October 1, 2020 to June 30, 2021	\$10,800.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before June 19, 2021	\$10,986.00

2021 CanLII 95953 (ON LTB)