



Order under Section 69
Residential Tenancies Act, 2006

File Number: EAL-93665-21

In the matter of: B, 493 MARTIN STREET
PEMBROKE ON K8A3J4

Between: James Malette Landlords
Charles Malette

and

James Vickers Tenant

James Malette and Charles Malette (the 'Landlords') applied for an order to terminate the tenancy and evict James Vickers (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on July 6, 2021. Only the Landlords attended the hearing. As of 11:00a.m, the Tenant was not present or represented although properly served notice of this hearing by the Board.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from December 1, 2020 to July 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective December 16, 2020.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$1,000.00.
4. The Landlord testified that the Tenant has barricaded the door of the rental unit and that the unit is full of garbage.
5. They Tenant has been unresponsive to any attempts for a repayment plan or any payment for the monthly rent.
6. I have considered all of the disclosed circumstances in accordance with subsection 83(2) 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. I accept the Landlords uncontested evidence that the Tenant is unresponsive to payment of the monthly rent or the arrears.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before August 16, 2021.
2. The Tenant shall pay to the Landlords \$8,154.19*, which represents the amount of rent owing and compensation up to August 5, 2021.
3. The Tenant shall also pay to the Landlords \$32.88 per day for compensation for the use of the unit starting August 6, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords \$201.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing* on or before August 16, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 17, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 16, 2021, then starting August 17, 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 August 17, 2021.
8. If, on or before August 16, 2021, the Tenant pays the amount of \$9,201.00** to the Landlords 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 Landlords 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 17, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlords.



August 5, 2021
Date Issued

John Mazzilli
Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9

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 17, 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 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)	December 1, 2020 to December 16, 2020	\$526.03
Plus, compensation: (from the day after the termination date in the Notice to the date of the order)	December 17, 2020 to August 5, 2021	\$7,628.16
Amount owing to the Landlords on the order date: (total of previous boxes)		\$8,154.19
Additional costs the Tenant must pay to the Landlords:		\$201.00
Plus, daily compensation owing for each day of occupation starting August 6, 2021:		\$32.88 (per day)
Total the Tenant must pay the Landlords if the tenancy is terminated:		\$8,355.19, + \$32.88 per day starting August 6, 2021

B. Amount the Tenant 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	\$9,000.00
Additional costs the Tenant must pay to the Landlords:		\$201.00
Total the Tenant must pay to continue the tenancy:	On or before August 16, 2021	\$9,201.00