



Order under Section 69
Residential Tenancies Act, 2006

File Number: TSL-20989-21

In the matter of: 3, 317 PARK LAWN ROAD
TORONTO ON M8Y3K2

Between: Galaxy Real Estate Core Ontario Properties LP

Landlord

and

Benjamin Mathers

Tenant

Galaxy Real Estate Core Ontario Properties LP (the 'Landlord') applied for an order to terminate the tenancy and evict Benjamin Mathers (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed NSF cheque charges and related administration charges.

This application was heard by video conference on July 28, 2021.

Only the Landlord's Legal Representative, Katrina Murrell, attended the hearing. As of 10:17 a.m. the Tenant was not present or represented at the hearing although properly served with 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 February 1, 2021 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective March 3, 2021.
2. The Tenant is in possession of the rental unit.
3. The Lawful monthly rent is \$1,720.00.
4. The Tenant paid \$5,160.00 after the application was filed.
5. The Landlord incurred charges of \$5.00 for a cheque tendered by or on behalf of the Tenant, which was returned NSF and \$20.00 for related administration charges.
6. The Landlord collected a rent deposit of \$1,720.00 from the Tenant and this deposit is still being held by the Landlord.
7. Interest on the rent deposit has been paid to the Tenant up to December 31, 2020.

8. The Landlord attempted to negotiate a payment plan with the Tenant without success. Landlord stated a payment plan was entered into on consent on February 20, 2021. The Landlord stated some payments were made but not in the amounts agreed upon. The Landlord stated it spoke with the Tenant regarding this and sent another letter to the Tenant in March 2021 regarding the arrears owed. The Landlord stated the Tenant was non-responsive but is making ongoing monthly rent payments but continues to pay nothing towards the arrears. As a result, I find that the Landlord fulfilled its duties to attempt resolution of the application during the COVID-19 pandemic pursuant to subsection 83(6) of the *Residential Tenancies Act, 2006* (the 'Act').
9. 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 not be unfair to postpone the eviction until October 24, 2021 pursuant to subsection 83(1)(b) of the Act. As the Tenant has paid \$5,160.00 since the application was filed and continues to pay the ongoing monthly rent, I have postponed the date of eviction to October 24, 2021 to allow the Tenant the opportunity to pay the arrears owing to the Landlord.

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 October 24, 2021.
2. The Tenant shall pay to the Landlord \$3,210.89*, which represents the amount of rent owing and compensation up to August 25, 2021 and the total charges related to the NSF cheque tendered to the Landlord by or on behalf of the Tenant, less the rent deposit.
3. The Tenant shall also pay to the Landlord \$56.55 per day for compensation for the use of the unit starting August 26, 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 October 24, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 25, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 24, 2021, then starting October 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 October 25, 2021.
8. If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlord or to the Board in trust:
 - i) \$5,371.00 if the payment is made on or before August 31, 2021,
 - ii) \$7,091.00 if the payment is made on or before September 30, 2021; or
 - iii) \$8,811.00 if the payment is made on or before October 24, 2021**.

If the Tenant does not make full payment in accordance with this paragraph and by the appropriate deadline, then 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 October 25, 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.

August 25, 2021

Date Issued

Toronto South-RO
15 Grosvenor Street, 1st Floor
Toronto ON M7A 2G6



Kimberly Parish
Member, Landlord and Tenant Board

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 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**

File Number: TSL-20989-21

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)	February 1, 2021 to March 3, 2021	\$169.64
Less the amount the Tenant paid to the Landlord		-\$5,160.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 4, 2021 to August 25, 2021	\$9,896.25
Less the rent deposit:		-\$1,720.00
NSF cheque charges:		\$5.00
Administration charges related to NSF cheque charges:		\$20.00
Amount owing to the Landlord on the order date: (total of previous boxes)		\$3,210.89
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting August 26, 2021:		\$56.55 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$3,396.89, + \$56.55 per day starting August 26, 2021

2021 CanLII 122843 (ON LTB)

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

1. If the payment is made on or before August 31, 2021:

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2021 to August 31, 2021	\$10,320.00
Less the amount the Tenant paid to the Landlord:		-\$5,160.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
NSF cheque charges:		\$5.00
Administration charges related to NSF cheque charges:		\$20.00
Total the Tenant must pay to continue the tenancy:	On or before August 31, 2021	\$5,371.00

2. If the payment is made after August 31, 2021 but on or before September 30, 2021:

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2021 to August 31, 2021	\$12,040.00
Less the amount the Tenant paid to the Landlord:		-\$5,160.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
NSF cheque charges:		\$5.00
Administration charges related to NSF cheque charges:		\$20.00
Total the Tenant must pay to continue the tenancy:	On or before August 31, 2021	\$7,091.00

3. If the payment is made after September 30, 2021 but on or before October 24, 2021:

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2021 to October 31, 2021	\$13,760.00
Less the amount the Tenant paid to the Landlord:		-\$5,160.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
NSF cheque charges:		\$5.00
Administration charges related to NSF cheque charges:		\$20.00
Total the Tenant must pay to continue the tenancy:	On or before October 24, 2021	\$8,811.00