



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-17631-20

In the matter of: 1405, 200 JACKSON STREET W
HAMILTON ON L8P4R9

Between: CityHousing Hamilton Corporation

Landlord

And

Alexander Ringer

Tenant

CityHousing Hamilton Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Alexander Ringer (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard via videoconference on May 4, 2021.

The Landlord's legal representative, Susan Di Battista attended the hearing. As of 2.01p.m, the Tenant was not present or represented before the Board although he was properly served with a notice of this hearing.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from February 1, 2019 to May 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective April 7, 2020.
2. The monthly rent is \$513.00.
3. The Tenant paid \$5,300.00 after the application was filed.
4. The Tenant is in possession of the rental unit.
5. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'). The Landlord and Tenant Support Worker have made multiple attempts to discuss the matter with the Tenant and offer a repayment plan. The Tenant has not responded to their phone calls. The Landlord connected with him in December 2020 and was informed that the balance would be paid off in February 2020. However, the Tenant did not make the payment. Further attempts to discuss resolution were made afterwards, but the Tenant has been non-responsive.

As such, I find that 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 May 25, 2021.
2. The Tenant shall pay to the Landlord \$1,209.80*, which represents the amount of rent owing and compensation up to May 14, 2021.
3. The Tenant shall also pay to the Landlord \$16.87 per day for compensation for the use of the unit starting May 15, 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 May 25, 2021, the Tenant will start to owe interest. This will be simple interest calculated from May 26, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before May 25, 2021, then starting May 26, 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 May 26, 2021.
8. If, on or before May 25, 2021, the Tenant pays the amount of \$1,678.00** 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 May 26, 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.

May 14, 2021
Date Issued



Tavlin Kaur
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 November 26, 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**

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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) | February 1, 2019 to April 7, 2020 | -\$271.94 |
| Less the amount the Tenant paid to the Landlord | | -\$5,300.00 |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | April 8, 2020 to May 14, 2021 | \$6,781.74 |
| Amount owing to the Landlord on the order date: (total of previous boxes) | | \$1,209.80 |
| Additional costs the Tenant must pay to the Landlord: | | \$186.00 |
| Plus daily compensation owing for each day of occupation starting May 15, 2021: | | \$16.87 (per day) |
| total the Tenant must pay the Landlord if the tenancy is terminated: | | \$1,395.80, + \$16.87 per day starting May 15, 2021 |

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

| Reasons for amount owing | Period | Amount |
|---|----------------------------------|-------------------|
| Arrears: | February 1, 2019 to May 31, 2021 | \$6,792.00 |
| Less the amount the Tenant paid to the Landlord | | -\$5,300.00 |
| Additional costs the Tenant must pay to the Landlord: | | \$186.00 |
| Total the Tenant must pay to continue the tenancy: | On or before May 25, 2021 | \$1,678.00 |

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