



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-19753-21

In the matter of: BASEMENT UNIT, 103 FACER STREET
ST CATHARINES ON L2M5J8

Between: John Wiperman Landlord

and

Heaven-Lee Boutilier Tenants
Robert Whiteman

John Wiperman (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Whiteman and Heaven-Lee Boutilier (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on July 6, 2021 at 1:00 p.m.

Only the Landlord attended the hearing. As of 2:04 p.m., 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 December 1, 2020 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective December 16, 2020.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$1,400.00.
4. The Landlord collected a rent deposit of \$1,400.00 from the Tenants and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenants for the period from July 15, 2020 to December 16, 2020.
6. The Tenants paid \$5,000.00 after the application was filed.
7. As of the hearing date, the Tenant owed the Landlord \$6,000.00 including arrears of rent to July 31, 2021 of \$5,800.00, NSF cheque charges of \$14.00 and the application fee of \$186.00. Since the hearing, another three rental periods have begun, and three more month's rent have become due. Therefore, the amount in this order includes August

2021, September 2021 and October 2021's rent. If the Tenant has paid the Landlord August 2021, September 2021, and October 2021's rent, and /or made any payments to the Landlord since the hearing, the Landlord shall deduct those payments from the amount owing in this order.

8. 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 Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 23, 2021.
2. The Tenants shall pay to the Landlord \$7,732.36*, which represents the amount of rent owing and compensation up to October 12, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$46.03 per day for compensation for the use of the unit starting October 13, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before October 23, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 24, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 23, 2021, then starting October 24, 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 24, 2021.
8. If, on or before October 23, 2021, the Tenants pay the amount of \$10,186.00** 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 Tenants 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 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 24, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenants are

only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

October 12, 2021
Date Issued



Peter Pavlovic
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 April 24, 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 142738 (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)	December 1, 2020 to December 16, 2020	\$336.44
Less the amount the Tenants paid to the Landlord		-\$5,000.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	December 17, 2020 to October 12, 2021	\$13,809.00
Less the rent deposit:		-\$1,400.00
Less the interest owing on the rent deposit:	July 15, 2020 to December 16, 2020	-\$13.08
Amount owing to the Landlord on the order date: (total of previous boxes)		\$7,732.36
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 13, 2021:		\$46.03 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$7,918.36, + \$46.03 per day starting October 13, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2020 to October 31, 2021	\$15,000.00
Less the amount the Tenants paid to the Landlord		-\$5,000.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before October 23, 2021	\$10,186.00