



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-47122-20

In the matter of: UPPER, 92 SOUTHMOOR DRIVE
KITCHENER ON N2M4M7

Between: Kathy Gogos Landlords
Randy Fahr

and

Joshua Smith Tenants
Melissa Vienneau

Kathy Gogos and Randy Fahr (the 'Landlords') applied for an order to terminate the tenancy and evict Joshua Smith and Melissa Vienneau (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard via video conference on June 17, 2021. Only the Landlord's Legal Representative, Julian Shumka, attended the hearing. As of 11:00 a.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 May 1, 2020 to November 30, 2020. Because of the arrears, the Landlords served a Notice of Termination effective November 16, 2020.
2. The Tenants vacated the rental unit on November 23, 2020. The Tenants were in possession of the rental unit on the date the application was filed.
3. The lawful monthly rent was \$1,950.00.
4. After the application was filed, the Tenants received a credit for the last month's rent deposit of \$1,950.00. This is reflected on the Schedule as a payment.
5. The Tenants have made no payments since the application was filed.

It is ordered that:

1. The Tenants vacated the rental unit on November 23, 2020. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Tenants shall pay to the Landlords \$4,574.52*, which represents the amount of rent owing and compensation up to November 23, 2020.
3. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
4. If the Tenants do not pay the Landlords the full amount owing* on or before July 4, 2021, the Tenants will start to owe interest. This will be simple interest calculated from July 5, 2021 at 2.00% annually on the balance outstanding.

June 24, 2020
Date Issued



Dawn Sullivan
Member, Landlord and Tenant Board

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

* Refer to section A on the attached Summary of Calculations.

**Schedule 1
SUMMARY OF CALCULATIONS**

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A. Amount the Tenants must pay as the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	May 1, 2020 to November 16, 2020	\$6,075.75
Less the LAST MONTH'S RENT DEPOSIT		-\$1,950.00
Plus compensation: (from the day after the termination date in the Notice to the date the Tenants vacated)	November 17, 2020 to November 23, 2020	\$448.77
Amount owing to the Landlords on the order date: (total of previous boxes)		\$4,574.52
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay the Landlords as the tenancy is terminated:		\$4,760.52

2020 CanLII 122048 (ON LTB)