



Order under Section 69
Residential Tenancies Act, 2006

File Number: EAL-92939-20

In the matter of: 904, 445 RICHMOND ROAD
OTTAWA ON K2A3W6

Between: Ottawa Community Housing Corporation Landlord

and

Isaac Gumbo Tenant

Ottawa Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Isaac Gumbo (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 agent Anne-Marie Choquette attended the hearing. As of 2:58p.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 August 1, 2019 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective August 29, 2019.
2. The Tenant is in possession of the rental unit.
3. The Landlord made several attempts by email and by sending letters to the Tenant in an attempt to arrange a repayment plan for the arrears however the Tenant was not responsive to these attempts.
4. 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 Landlord's agent uncontested evidence that the Tenant is not responsive to any communication regarding repayment of arrears or payment of rent.

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 August 8, 2021.
2. The Tenant shall also pay to the Landlord \$29.13 per day for compensation for the use of the unit starting July 28, 2021 to the date the Tenant moves out of the unit.
3. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing* on or before August 7, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 8, 2021 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before August 8, 2021, then starting August 9, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 August 9, 2021.
7. 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) \$18,462.00 if the payment is made on or before July 31, 2021, or
 - ii) \$19,348.00 if the payment is made on or before August 8, 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.
8. 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 9, 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.



John Mazzilli
Member, Landlord and Tenant Board

July 27, 2021
Date Issued

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 9, 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.

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

**Schedule 1
SUMMARY OF CALCULATIONS**

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2021 CanLII 105713 (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 July 31, 2021:

Reasons for amount owing	Period	Amount
Arrears:	August 1, 2019 to July 31, 2021	\$18,276.00
Additional costs the Tenant must pay to the Landlord:		\$186.00

Total the Tenant must pay to continue the tenancy:	On or before July 31, 2021	\$18,462.00
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2. If the payment is made after July 31, 2021 but on or before August 8, 2021:

Reasons for amount owing	Period	Amount
Arrears:	August 1, 2019 to August 31, 2021	\$19,162.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before August 8, 2021	\$19,348.00