



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-12890-18

In the matter of: 1FL-R, 2&3 FL A01, 619 WILD GINGER AVENUE
WATERLOO ON N2V2X1

Certify this is a true copy of the order

Between: Charles Gao D. MacPherson Landlord
Staff Member
and
Amanda Kelloway Dated: APR 09 2018
Landlord and Tenant Board Tenant

Charles Gao (the 'Landlord') applied for an order to terminate the tenancy and evict Amanda Kelloway (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard in Waterloo on April 4, 2018. The Landlord's Legal Representative, Rong Wei Yu attended the hearing. As of 11:30 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 June 20, 2017 to April 19, 2018. Because of the arrears, the Landlord served a Notice of Termination effective January 24, 2018.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$1,680.00.
4. The Landlord is not holding a last month's rent deposit.
5. The Tenant has made no payments since the application was filed.
6. 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 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 April 20, 2018.
2. The Tenant shall pay to the Landlord \$14,098.41*, which represents the amount of rent owing and compensation up to April 9, 2018.

3. The Tenant shall also pay to the Landlord \$55.23 per day for compensation for the use of the unit starting April 10, 2018 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$175.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before April 20, 2018, the Tenant will start to owe interest. This will be simple interest calculated from April 21, 2018 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before April 20, 2018, then starting April 21, 2018, 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 April 21, 2018.
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) \$14,895.00 if the payment is made on or before April 19, 2018, or
 - ii) \$14,895.00 if the payment is made on or before April 20, 2018**.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 April 21, 2018 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.

April 9, 2018
Date Issued


Melanie Love
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on October 21, 2018 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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I 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)	June 20, 2017 to January 24, 2018	\$9,956.16
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	January 25, 2018 to April 9, 2018	\$4,142.25
Amount owing to the Landlord on the order date: (total of previous boxes)		\$14,098.41
Additional costs the Tenant must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting April 10, 2018:		\$55.23 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$14,273.41, + \$55.23 per day starting April 10, 2018

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

1. If the payment is made on or before April 19, 2018:

Reasons for amount owing	Period	Amount
Arrears:	June 20, 2017 to April 19, 2018	\$14,720.00
Additional costs the Tenant must pay to the Landlord:		\$175.00
Total the Tenant must pay to continue the tenancy:	On or before April 19, 2018	\$14,895.00

2. If the payment is made after April 19, 2018 but on or before April 20, 2018:

Reasons for amount owing	Period	Amount
Arrears:	June 20, 2017 to May 19, 2018	\$14,720.00
Additional costs the Tenant must pay to the Landlord:		\$175.00
Total the Tenant must pay to continue the tenancy:	On or before April 20, 2018	\$14,895.00