



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-15939-20

In the matter of: 02, 121 QUEEN STREET
DUNNVILLE ON N1A 1H6

Between: John Sparkes
Rachael Sparkes

Landlords

and

Josiah McWilliam

Tenant

John Sparkes and Rachael Sparkes (the 'Landlords') applied for an order to terminate the tenancy and evict Josiah McWilliam (the 'Tenant') because:

- a) the Tenant did not pay the rent that the Tenant owes (L1 Application) and;
- b) because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination.

This application was heard by way of video conference at 9:00 am on October 20, 2021. The Landlord, Rachael Sparkes attended the hearing. As of 10:00 am the Tenant was not present or represented at the hearing although properly served notice of this hearing by the Board.

Determinations:

1. The Tenant vacated the rental unit on November 30, 2020. The Tenant was in possession of the rental unit on the date the applications were filed.

L2 Application

1. At the hearing the Landlord requested the consent of the Board to withdraw the L2 application. I consented to the request.
2. This matter has been withdrawn; and the Board's file is closed.

L1 Application

3. The Tenant has not paid the total rent the Tenant was required to pay for the period from March 1, 2020 to November 30, 2020. Because of the arrears, the Landlords served a Notice of Termination effective May 17, 2020.
4. The lawful monthly rent was \$800.00.
5. The Tenant has made no payments after the application was filed.
6. The Landlords collected a rent deposit of \$800.00 from the Tenant and this deposit is still being held by the Landlords.
7. Interest on the rent deposit is owing to the Tenant for the period from May 16, 2019 to May 17, 2020.

It is ordered that:

1. The tenancy is terminated as of November 30, 2020, the date the Tenant gave vacant possession of the rental unit to the Landlord.
2. The Tenant shall pay to the Landlords \$6,010.48*, which represents the amount of rent owing and compensation up to November 30, 2020, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenant shall also pay to the Landlords \$201.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlords the full amount owing* on or before November 13, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 14, 2021 at 2.00% annually on the balance outstanding.

November 2, 2021
Date Issued



Trish Carson
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.

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

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	March 1, 2020 to May 17, 2020	\$1,647.12
Plus compensation: (from the day after the termination date in the Notice to the date of the Tenant moved)	May 18, 2020 to November 30, 2020	\$5,181.10
Less the rent deposit:		-\$800.00
Less the interest owing on the rent deposit:	May 16, 2019 to May 17, 2020	-\$17.74
Amount owing to the Landlords on the order date:(total of previous boxes)		\$6,010.48
Additional costs the Tenant must pay to the Landlords:		\$201.00
Total the Tenant must pay the Landlords as the tenancy is terminated:		\$6,211.48

2021 CanLII 144877 (ON LTB)