



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-49026-21

In the matter of: 101, 67 AVENUE ROAD
CAMBRIDGE ON N1R2Z9

Between: London Cambridge Development Ltd

Landlord

and

Judy Casale
Olivia De-almeida

Tenants

London Cambridge Development Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Judy Casale and Olivia De-almeida (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in Passcode: 624 5450 2556# on June 17, 2021. Only the Landlord's representative Daniel Abraham attended the hearing.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from April 1, 2020 to June 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective December 23, 2020.
2. The Landlord collected a rent deposit of \$1,250.00 from the Tenants and this deposit is still being held by the Landlord.
3. Interest on the rent deposit is owing to the Tenants for the period from May 15, 2019 to December 23, 2020.
4. The Tenants paid \$7,961.40 after the application was filed.
5. The Landlord's representative requested that the Tenants be provided until July 15, 2021 to void this order.
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 not be unfair to postpone the eviction until July 15, 2021 pursuant to subsection 83(1)(b) of the Act.

It is ordered that:

1. Unless the Tenants void 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 July 15, 2021.
2. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent and compensation the Landlord is entitled to by \$722.75*.
3. However, the Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenants:
\$42.00 per day for compensation for the use of the unit starting June 23, 2021 to the date the Tenants move out of the unit, and \$201.00 for the cost of filing the application.
4. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
5. If the unit is not vacated on or before July 15, 2021, then starting July 16, 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 July 16, 2021.
7. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust:
 - i) \$1,147.10 if the payment is made on or before June 30, 2021, or
 - ii) \$2,424.60 if the payment is made on or before July 15, 2021**.If the Tenants do 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 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 July 16, 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.



Greg Joy
Member, Landlord and Tenant Board

June 22, 2021
Date Issued

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 January 16, 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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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)	April 1, 2020 to December 23, 2020	\$931.00
Less the amount the Tenants paid to the Landlord		-\$7,961.40
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	December 24, 2020 to June 22, 2021	\$7,602.00
Less the rent deposit:		-\$1,250.00
Less the interest owing on the rent deposit:	May 15, 2019 to December 23, 2020	-\$44.35
Amount owing to the Landlord on the order date: (total of previous boxes)		-\$722.75
Additional costs the Tenants must pay to the Landlord:		\$201.00
Plus daily compensation owing for each day of occupation starting June 23, 2021:		\$42.00 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		-\$521.75, + \$42.00 per day starting June 23, 2021

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

1. If the payment is made on or before June 30, 2021:

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2020 to June 30, 2021	\$8,907.50
Less the amount the Tenants paid to the Landlord:		-\$7,961.40
Additional costs the Tenants must pay to the Landlord:		\$201.00
Total the Tenants must pay to continue the tenancy:	On or before June 30, 2021	\$1,147.10

2. If the payment is made after June 30, 2021 but on or before July 15, 2021:

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2020 to July 31, 2021	\$10,185.00
Less the amount the Tenants paid to the Landlord:		-\$7,961.40
Additional costs the Tenants must pay to the Landlord:		\$201.00
Total the Tenants must pay to continue the tenancy:	On or before July 15, 2021	\$2,424.60