



Order under Section 69  
**Residential Tenancies Act, 2006**

**File Number:** CEL-02158-21

**In the matter of:** BASEMENT UNIT, 105 ISABELLA STREET  
PARRY SOUND ON P2A1M9

**Between:** XLNT Investment Group Inc. Landlord

**and**

Bobie Jo Emerson Tenants  
Justin Joseph Carruthers

XLNT Investment Group Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Bobie Jo Emerson and Justin Joseph Carruthers (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on September 27, 2021. Only Landlord's Legal Representative, Thaya PK Kandiah, attended the hearing. As of 2:54 p.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 March 1, 2020 to September 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective August 11, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$850.00.
4. The Landlord is not holding a last month's rent deposit.
5. The Tenants have made no payments since the application was filed.
6. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), 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.

**It is ordered that:**

1. Unless the Tenant voids 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 October 15, 2021.
2. The Tenants shall pay to the Landlord \$8,819.70\*, which represents the amount of rent owing and compensation up to October 4, 2021.
3. The Tenants shall also pay to the Landlord \$27.95 per day for compensation for the use of the unit starting October 5, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing\* on or before October 15, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 16, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 15, 2021, then starting October 16, 2021, 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 October 16, 2021.
8. If, on or before October 15, 2021, the Tenants pay the amount of \$9,739.00\*\* to the Landlord or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated and the Tenants could remain in the unit. If this payment is not made in full and on time, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 October 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.

**October 4, 2021**  
**Date Issued**

  
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Khalid Akram  
Member, Landlord and Tenant Board

Central-RO  
3 Robert Speck Pkwy, 5th Floor  
Mississauga ON L4Z2G5

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 April 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:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears: (up to the termination date in the Notice of Termination)	March 1, 2020 to August 11, 2021	\$7,310.40
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	August 12, 2021 to October 4, 2021	\$1,509.30
Amount owing to the Landlord on the order date:(total of previous boxes)		<b>\$8,819.70</b>
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 5, 2021:		\$27.95 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$9,005.70, + \$27.95 per day starting October 5, 2021</b>

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	March 1, 2020 to October 31, 2021	\$9,553.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before October 15, 2021	\$9,739.00

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