



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-46836-20

In the matter of: 416, 492 SPRINGBANK DRIVE
LONDON ON N6J1H1

Between: Capreit Limited Partnership Landlord

and

Tenisha Butler-Luna Tenant

2021 CanLII 96837 (ON LTB)

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Tenisha Butler-luna (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 17, 2021. Only the Landlord's Legal Representative, Dragana Orej, attended the hearing. As of 11:15 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 October 1, 2020 to June 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective October 22, 2020.
2. The Tenant is in possession of the rental unit.
3. As of December 1, 2020, the monthly rent for the unit decreased to \$1,032.63.
4. The Landlord collected a rent deposit of \$1,039.44 from the Tenant and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenant for the period from August 1, 2020 to October 22, 2020.
6. The Tenant paid \$2,572.37 after the application was filed.
7. 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 Tenant is terminated. The Tenant must move out of the rental unit on or before July 5, 2021.
2. The Tenant shall pay to the Landlord \$5,447.63*, which represents the amount of rent owing and compensation up to June 24, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$33.95 per day for compensation for the use of the unit starting June 25, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before July 5, 2021, the Tenant will start to owe interest. This will be simple interest calculated from July 6, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 5, 2021, then starting July 6, 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 July 6, 2021.
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) \$6,923.92 if the payment is made on or before June 30, 2021, or
 - ii) \$7,956.55 if the payment is made on or before July 5, 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.
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 July 6, 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.



Dawn Sullivan
Member, Landlord and Tenant Board

June 24, 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 6, 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 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) | October 1, 2020 to October 22, 2020 | \$746.89 |
| Less the amount the Tenant paid to the Landlord | | -\$2,572.37 |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | October 23, 2020 to June 24, 2021 | \$8,317.75 |
| Less the rent deposit: | | -\$1,039.44 |
| Less the interest owing on the rent deposit: | August 1, 2020 to October 22, 2020 | -\$5.20 |
| Amount owing to the Landlord on the order date: (total of previous boxes) | | \$5,447.63 |
| Additional costs the Tenant must pay to the Landlord: | | \$186.00 |
| Plus daily compensation owing for each day of occupation starting June 25, 2021: | | \$33.95 (per day) |
| Total the Tenant must pay the Landlord if the tenancy is terminated: | | \$5,633.63, + \$33.95 per day starting June 25, 2021 |

B. Amount the Tenant 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: | October 1, 2020 to June 30, 2021 | \$9,310.29 |
| Less the amount the Tenant paid to the Landlord: | | -\$2,572.37 |
| Additional costs the Tenant must pay to the Landlord: | | \$186.00 |
| Total the Tenant must pay to continue the tenancy: | On or before June 30, 2021 | \$6,923.92 |

2. If the payment is made after June 30, 2021 but on or before July 5, 2021:

| Reasons for amount owing | Period | Amount |
|---|----------------------------------|-------------------|
| Arrears: | October 1, 2020 to July 31, 2021 | \$10,342.92 |
| Less the amount the Tenant paid to the Landlord: | | -\$2,572.37 |
| Additional costs the Tenant must pay to the Landlord: | | \$186.00 |
| Total the Tenant must pay to continue the tenancy: | On or before July 5, 2021 | \$7,956.55 |