



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

**File Number:** CEL-99288-21

**In the matter of:** 247 LETITIA STREET  
BARRIE ON L4N4Y7

**Between:** Dave O'rourke Landlords  
Janice Carlin

**and**

Alton Ellis Tenants  
Amber Moisan

Dave O'rourke and Janice Carlin (the 'Landlords') applied for an order to terminate the tenancy and evict Alton Ellis and Amber Moisan (the 'Tenants') because the Landlord requires possession of the rental unit for the purpose of residential occupation. The Landlords also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard via videoconference on July 29, 2021.

The Landlords and Landlord's Legal Representative Terri Landriault and the Tenants attended the hearing.

**Determinations:**

1. The Landlords in good faith requires possession of the rental unit for the purpose of residential occupation.
2. The Landlords collected a rent deposit of \$1,800.00 from the Tenants and this deposit is still being held by the Landlords.
3. Interest on the rent deposit is owing to the Tenants for the period from February 26, 2020 to May 31, 2021.
4. The Tenants are in possession of the rental unit.
5. The lawful monthly rent is \$1,800.00.
6. The Landlord paid the Tenant compensation equal to one month's rent.
7. Both parties agree to end the tenancy on August 31, 2021.

8. Both parties agree the outstanding arrears are \$3,600.00.
9. The Landlord submitted to the Board they wish to waive the filing fee. When asked time they are seeking for the arrears to be paid, the Landlord wishes the Tenant would pay the arrears in 2 months. The Tenant asked the Board for 4 months for payment of the arrears.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenants is terminated, as of August 31, 2021 . The Tenants must move out of the rental unit on or before August 31, 2021.
2. The Tenants shall pay to the Landlords \$3,583.12, which represents compensation for the use of the unit from June 1, 2021 to August 30, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$59.18 per day for compensation for the use of the unit from August 31, 2021 to the date they move out of the unit.
4. If the Tenants do not pay the Landlords the full amount owing on or before November 30, 2021, they will start to owe interest. This will be simple interest calculated from December 1, 2021 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before August 31, 2021, then starting September 1, 2021, the Landlords 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 Landlords on or after September 1, 2021.

**August 30, 2021**  
**Date Issued**



Anthony Bruno  
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 March 1, 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.