



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-19021-21

In the matter of: 22, 1477 UPPER WELLINGTON STREET
HAMILTON ON L9B2G3

Between: DMS Property Management Ltd Landlord

and

Nora Sandoval Tenant

DMS Property Management Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Nora Sandoval (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by video conference on August 17, 2021. Only the Landlord Legal Representative, Frank Calcagni, attended the hearing. As of 1:31 p.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 August 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective October 20, 2020.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$1,130.00.
4. The Tenant paid \$2,190.00 after the application was filed.
5. The Landlord is not holding a last month's rent deposit.
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. The amount outstanding is substantial, and the Landlord's attempts at negotiating a repayment agreement were unsuccessful.

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 September 18, 2021.
2. The Tenant shall pay to the Landlord \$9,890.31*, which represents the amount of rent owing and compensation up to September 7, 2021.
3. The Tenant shall also pay to the Landlord \$37.15 per day for compensation for the use of the unit starting September 8, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$201.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before September 18, 2021, the Tenant will start to owe interest. This will be simple interest calculated from September 19, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 18, 2021, then starting September 19, 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 September 19, 2021.
8. If, on or before September 18, 2021, the Tenant pays the amount of \$10,946.00** 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 Tenant 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 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 September 19, 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.

September 7, 2021
Date Issued



Jitewa Edu
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on March 19, 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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2021 CanLII 125914 (ON LTB)

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 20, 2020 | \$118.01 |
| Less the amount the Tenant paid to the Landlord | | -\$2,190.00 |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | October 21, 2020 to September 7, 2021 | \$11,962.30 |
| Amount owing to the Landlord on the order date: (total of previous boxes) | | \$9,890.31 |
| Additional costs the Tenant must pay to the Landlord: | | \$201.00 |
| Plus daily compensation owing for each day of occupation starting September 8, 2021: | | \$37.15 (per day) |
| Total the Tenant must pay the Landlord if the tenancy is terminated: | | \$10,091.31, + \$37.15 per day starting September 8, 2021 |

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

| Reasons for amount owing | Period | Amount |
|---|---------------------------------------|--------------------|
| Arrears: | October 1, 2020 to September 30, 2021 | \$12,935.00 |
| Less the amount the Tenant paid to the Landlord | | -\$2,190.00 |
| Additional costs the Tenant must pay to the Landlord: | | \$201.00 |
| Total the Tenant must pay to continue the tenancy: | On or before September 18, 2021 | \$10,946.00 |