



Order under Section 69
Residential Tenancies Act, 2006

File Number: NOL-41681-20

In the matter of: UNIT 1 - MAIN FL, 310 NORAH STREET S
THUNDER BAY ON P7E1N7

Between: Velma Jardine Landlords
John Cameron

and

Amy Rose Tenants
Karry Keeping

Velma Jardine and John Cameron (the 'Landlords') applied for an order to terminate the tenancy and evict Karry Keeping and Amy Rose (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 24, 2021. Both the Landlords attended the hearing. As of 3:00 p.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing as it appears from the Certificate of Service.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from December 1, 2020 to June 30, 2021. Because of the arrears, the Landlords served a Notice of Termination effective December 25, 2020.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$1,200.00.
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(2) of the *Residential Tenancies Act, 2006* (the 'Act'), 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 Tenants voids the order as set out below, the tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before July 26, 2021.
2. The Tenants shall pay to the Landlords \$8,955.20*, which represents the amount of rent owing and compensation up to July 15, 2021.
3. The Tenants shall also pay to the Landlords \$39.45 per day for compensation for the use of the unit starting July 16, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing* on or before July 26, 2021, the Tenants will start to owe interest. This will be simple interest calculated from July 27, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 26, 2021, then starting July 27, 2021, the Landlords 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 Landlords, on or after July 27, 2021.
8. If, on or before July 26, 2021, the Tenants pay the amount of \$9,786.00** to the Landlords 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 Landlords 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 July 27, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.



Jana Rozehnal
Member, Landlord and Tenant Board

July 15, 2021
Date Issued

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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 27, 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)	December 1, 2020 to December 25, 2020	\$986.30
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	December 26, 2020 to July 15, 2021	\$7,968.90
Amount owing to the Landlords on the order date: (total of previous boxes)		\$8,955.20
Additional costs the Tenants must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting July 16, 2021:		\$39.45 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$9,141.20, + \$39.45 per day starting July 16, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2020 to July 31, 2021	\$9,600.00
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before July 26, 2021	\$9,786.00

2021 CanLII 103231 (ON LTB)