



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

**File Number:** EAL-95942-21

**In the matter of:** 402, 161 AUGUSTA STREET  
OTTAWA ON K1N8B6

**Between:** 2121380 Ontario Inc. Landlord

**and**

Lily Yihan Ye Tenant

2121380 Ontario Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Lily Yihan Ye (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed administration charges related to NSF cheques.

This application was heard by videoconference on August 10, 2021. The Landlord's Legal Representative, J. Moak, attended the hearing on behalf of the Landlord. As of 1:47 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 April 1, 2021 to August 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective May 26, 2021.
2. The Tenant was in possession of the rental unit as of the date of the hearing.
3. The current monthly rent is \$1,139.23.
4. The Landlord incurred charges of \$40.00 for administration charges related to cheques tendered by or on behalf of the Tenant, which were returned NSF.
5. As of the date of the hearing, the Tenant had paid \$2,765.23 to the Landlord after the application was filed.
6. The parties have had numerous discussions about attempting to resolve this application through an agreement, but no agreement has been reached between the parties.

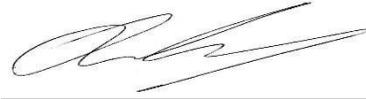
7. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of the COVID-19 pandemic upon the parties and whether the Landlord has attempted to negotiate a payment agreement regarding the outstanding arrears, and find that it would not be unfair to postpone the eviction until November 30, 2021, pursuant to subsection 83(1)(b) of the Act. The Tenant has made some payments to the Landlord after the application was filed and as such, it would be reasonable to postpone the eviction for a short period of time to allow the Tenant to pay the entire outstanding amount to the Landlord.

**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 November 30, 2021.
2. The Tenant shall pay to the Landlord \$3,676.25\*, which represents the amount of rent owing and compensation up to November 4, 2021 and the total charges related to NSF cheques tendered to the Landlord by or on behalf of the Tenant.
3. Any payments made by the Tenant to the Landlord since the date of the hearing shall be deducted from the overall outstanding amount.
4. The Tenant shall also pay to the Landlord \$37.45 per day for compensation for the use of the unit starting November 5, 2021 to the date the Tenant moves out of the unit.
5. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. If the Tenant does not pay the Landlord the full amount owing\* on or before November 15, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 16, 2021 at 2.00% annually on the balance outstanding.
7. If the unit is not vacated on or before November 30, 2021, then starting December 1, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 December 1, 2021.
9. If, on or before November 30, 2021, the Tenant pays the amount of \$4,796.15\*\* 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.
10. 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 December 1, 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.

**November 4, 2021**  
**Date Issued**



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Arnab Quadry  
Member, Landlord and Tenant Board

Eastern-RO  
255 Albert Street, 4th Floor  
Ottawa ON K1P6A9

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 June 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.

- \* 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**

File Number: EAL-95942-21

**A. Amount the Tenant 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)	April 1, 2021 to May 26, 2021	\$334.58
Less the amount the Tenant paid to the Landlord		-\$2,765.23
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	May 27, 2021 to November 4, 2021	\$6,066.90
Administration charges related to NSF cheque charges:		\$40.00
Amount owing to the Landlord on the order date:(total of previous boxes)		<b>\$3,676.25</b>
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting November 5, 2021:		\$37.45 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$3,862.25, + \$37.45 per day starting November 5, 2021</b>

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	April 1, 2021 to November 30, 2021	\$7,335.38
Less the amount the Tenant paid to the Landlord		-\$2,765.23
Additional costs the Tenant must pay to the Landlord:		\$186.00
Administration charges related to NSF cheque charges:		\$40.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before November 30, 2021	<b>\$4,796.15</b>

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