



Landlord  
and  
Tenant  
Board

Order under Section 69  
Residential Tenancies Act, 2006

File Number: EAL-68175-17

In the matter of: 161 MATTINGLY WAY  
MANOTICK ON K4M0C5

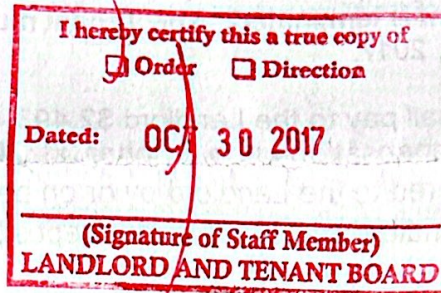
Between: Yanhua Zhao

Landlord

and

Angele Lafond

Tenant



Yanhua Zhao (the 'Landlord') applied for an order to terminate the tenancy and evict Angele Lafond (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed NSF cheque charges and related administration charges.

This application was heard in Ottawa on October 23, 2017. Only the Landlord attended the hearing.

**Determinations:**

1. The Tenant has not paid the total rent he was required to pay for the period from August 1, 2017 to October 31, 2017. Because of the arrears, the Landlord served a Notice of Termination effective September 20, 2017.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$1,795.00.
4. The Landlord is not holding a last month's rent deposit.
5. The Tenant has made no payments since the application was filed.
6. The Landlord incurred charges of \$14.00 for a cheque tendered by or on behalf of the Tenant, which were returned NSF and \$40.00 for related administration charges.
7. The Landlord collected a rent deposit of \$1,795.00 from the Tenant and this deposit is still being held by the Landlord.
8. Interest on the rent deposit is owing to the Tenant for the period from September 5, 2017 to September 20, 2017.



9. 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.

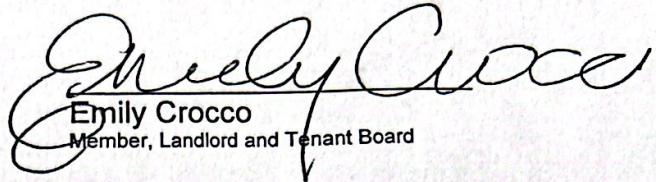
**It is ordered that:**

1. Unless the 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 10, 2017.
2. The Tenant shall pay to the Landlord \$2,493.49\*, which represents the amount of rent owing and compensation up to October 30, 2017 and the total charges related to NSF cheques tendered to the Landlord by or on behalf of the Tenant, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$59.01 per day for compensation for the use of the unit starting October 31, 2017 to the date he moves out of the unit.
4. The Tenant shall also pay to the Landlord \$190.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing\* on or before November 10, 2017, the Tenant will start to owe interest. This will be simple interest calculated from November 11, 2017 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before November 10, 2017, then starting November 11, 2017, 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 November 11, 2017.
8. If the Tenant wishes to void this order and continue the tenancy, he must pay to the Landlord or to the Board in trust:
  - i) \$4,529.00 if the payment is made on or before October 31, 2017, or
  - ii) \$6,324.00 if the payment is made on or before November 10, 2017\*\*.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 November 11, 2017 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.

**October 30, 2017**  
**Date Issued**

  
Emily Crocco  
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 May 11, 2018 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-68175-17**

**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)                                  | August 1, 2017 to September 20, 2017    | \$1,875.27   |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | September 21, 2017 to October 30, 2017  | \$2,360.40   |
| Less the rent deposit:  |   | -\$1,795.00  |
| Less the interest owing on the rent deposit:  | September 5, 2017 to September 20, 2017 | -\$1.18  |
| NSF cheque charges:   |   | \$14.00  |
| Administration charges related to NSF cheque charges:   |   | \$40.00  |
| Amount owing to the Landlord on the order date: (total of previous boxes)                           |   | <b>\$2,493.49</b>  |
| Additional costs the Tenant must pay to the Landlord:   |   | \$190.00   |
| Plus daily compensation owing for each day of occupation starting October 31, 2017:                 |   | \$59.01 (per day)  |
| <b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>                         |   | <b>\$2,683.49, +<br/>\$59.01 per day<br/>starting October 31,<br/>2017</b> |

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

**1. If the payment is made on or before October 31, 2017:**

| <b>Reasons for amount owing</b>                       | <b>Period</b>                      | <b>Amount</b> |
|---|------------------------------------|---------------|
| Arrears:  | August 1, 2017 to October 31, 2017 | \$4,285.00    |
| Additional costs the Tenant must pay to the Landlord: |                                    | \$190.00      |
| NSF cheque charges:                                   |                                    | \$14.00       |
| Administration charges related to NSF cheque charges: |                                    | \$40.00       |



|   |                               |            |
|---|-------------------------------|------------|
| <b>Total the Tenant must pay to continue the tenancy:</b> | On or before October 31, 2017 | \$4,529.00 |
|---|-------------------------------|------------|

2. If the payment is made after October 31, 2017 but on or before November 10, 2017:

| Reasons for amount owing                                  | Period                              | Amount     |
|---|-------------------------------------|------------|
| Arrears:  | August 1, 2017 to November 30, 2017 | \$6,080.00 |
| Additional costs the Tenant must pay to the Landlord:     |                                     | \$190.00   |
| NSF cheque charges:                                       |                                     | \$14.00    |
| Administration charges related to NSF cheque charges:     |                                     | \$40.00    |
| <b>Total the Tenant must pay to continue the tenancy:</b> | On or before November 10, 2017      | \$6,324.00 |