



Order under Section 69
Residential Tenancies Act, 2006

File Number: TNL-30471-21

In the matter of: 10 HANNAH ROAD
PEFFERLAW ON L0E1N0

Between: Sugie Diana Kim Landlord

and

Thomas Aikens Tenant

Sugie Diana Kim (the 'Landlord') applied for an order to terminate the tenancy and evict Thomas Aikens (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on July 5, 2021. The Landlord attended and was represented by Elaine Page. As of 10:20 a.m. the Tenant was 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 Tenant has not paid the total rent the Tenant was required to pay for the period from January 1, 2021 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective January 26, 2021.
2. The lawful monthly rent is \$1,600.00.
3. The Tenant is in possession of the rental unit.
4. The arrears of rent owing for the period ending July 31, 2021 as of the date of hearing were \$3,600.00.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. The Tenant paid \$6,000.00 after the application was filed.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including whether the Landlord

attempted to negotiate a repayment plan with the Tenant, 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 15, 2021.
2. The Tenant shall pay to the Landlord \$10,200.87 (less any payments made to the Landlord after July 5, 2021)*, which represents the amount of rent owing and compensation up to November 4, 2021.
3. The Tenant shall also pay to the Landlord \$52.60 per day for compensation for the use of the unit starting November 5, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before November 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.
6. If the unit is not vacated on or before November 15, 2021, then starting November 16, 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 November 16, 2021.
8. If, on or before November 15, 2021, the Tenant pays the amount of \$11,786.00 (less any payments made to the Landlord after July 5, 2021)** 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 November 16, 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



Dawn King
Member, Landlord and Tenant Board

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

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 16, 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 146363 (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)	January 1, 2021 to January 26, 2021	\$1,367.67
Less the amount the Tenant paid to the Landlord		-\$6,000.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	January 27, 2021 to November 4, 2021	\$14,833.20
Amount owing to the Landlord on the order date: (total of previous boxes)		\$10,200.87
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting November 5, 2021:		\$52.60 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$10,386.87 (less any payments made to the Landlord after July 5, 2021), + \$52.60 per day starting November 5, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2021 to November 30, 2021	\$17,600.00
Less the amount the Tenant paid to the Landlord		-\$6,000.00
Additional costs the Tenant must pay to the Landlord:		\$186.00

Total the Tenant must pay to continue the tenancy:	On or before November 15, 2021	\$11,786.00 (less any payments made to the Landlord after July 5, 2021)
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