

Order under Section 69  
Residential Tenancies Act, 2006

File Number: EAL-79079-18

In the matter of: 9, 425 ELEVENTH ST STREET WE  
CORNWALL ON K6J5C5

Between: John Locke  
Manon Locke

I hereby certify this a true copy of  
 Order  Direction  
Dated: FEB 14 2019  
(Signature of Staff Member)  
LANDLORD AND TENANT BOARD

Landlords

and

Stephanie Castle

Tenant

John Locke and Manon Locke (the 'Landlords') applied for an order to terminate the tenancy and evict Stephanie Castle (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard in Cornwall on February 7, 2019. Only the Landlords attended the hearing.

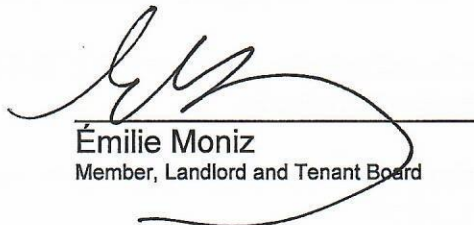
**Determinations:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from October 1, 2018 to February 28, 2019. Because of the arrears, the Landlords served a Notice of Termination effective December 1, 2018.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$900.00.
4. The Tenant has made no payments since the application was filed.
5. The Landlords collected a rent deposit of \$900.00 from the Tenant and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenant for the period from October 25, 2018 to December 1, 2018.
7. 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 Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before February 25, 2019.
2. The Tenant shall pay to the Landlords \$3,147.15\*, which represents the amount of rent owing and compensation up to February 14, 2019, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenant shall also pay to the Landlords \$29.59 per day for compensation for the use of the unit starting February 15, 2019 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords \$190.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing\* on or before February 25, 2019, the Tenant will start to owe interest. This will be simple interest calculated from February 26, 2019 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before February 25, 2019, then starting February 26, 2019, 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 February 26, 2019.
8. If, on or before February 25, 2019, the Tenant pays the amount of \$4,690.00\*\* 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 Tenant 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 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 February 26, 2019 but before the Sheriff gives vacant possession to the Landlords. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

**February 14, 2019**  
**Date Issued**

  
Emilie Moniz  
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 August 26, 2019 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 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)	October 1, 2018 to December 1, 2018	\$1,829.59
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	December 2, 2018 to February 14, 2019	\$2,219.25
Less the rent deposit:		-\$900.00
Less the interest owing on the rent deposit:	October 25, 2018 to December 1, 2018	-\$1.69
Amount owing to the Landlords on the order date: (total of previous boxes)		<b>\$3,147.15</b>
Additional costs the Tenant must pay to the Landlords:		\$190.00
Plus daily compensation owing for each day of occupation starting February 15, 2019:		\$29.59 (per day)
<b>Total the Tenant must pay the Landlords if the tenancy is terminated:</b>		<b>\$3,337.15, + \$29.59 per day starting February 15, 2019</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:	October 1, 2018 to February 28, 2019	\$4,500.00
Additional costs the Tenant must pay to the Landlords:		\$190.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before February 25, 2019	<b>\$4,690.00</b>