



Order under Section 69
Residential Tenancies Act, 2006

File Number: TNL-29181-20

In the matter of: 1804, 101 ROEHAMPTON AVENUE
TORONTO ON M4P2W2

Between: Roehampton Apartments Ltd Partnership

Landlord

and

Leah Nelson
Michael Betsch

Tenants

Roehampton Apartments Ltd Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Leah Nelson and Michael Betsch (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. The Landlord also claimed NSF cheque charges and related administration charges.

This application was heard via video conference on July 23, 2021.

Only the Landlord's legal representative, Jane Ferguson attended the hearing.

At 10:52 a.m. the Tenants were not present or represented at the hearing.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from September 1, 2020 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective November 2, 2020.
2. The Tenants are in possession of the rental unit.
3. The monthly rent is \$1,236.25.
4. The Tenants paid \$12,443.50 after the application was filed.
5. The Landlord incurred charges of \$21.00 for cheques tendered by or on behalf of the Tenants, which were returned NSF and \$60.00 for related administration charges.
6. The Landlord collected a rent deposit of \$1,150.00 from the Tenants and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenants for the period from May 1, 2016 to November 2, 2020.
8. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the

parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenants, 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 void the order as set out below, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before August 10, 2021.
2. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, compensation, and any unpaid charges related to NSF cheques the Landlord is entitled to by \$82.82*.
3. However, the Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenants: \$40.64 per day for compensation for the use of the unit starting July 31, 2021 to the date the Tenants move out of the unit, and \$186.00 for the cost of filing the application.
4. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
5. If the unit is not vacated on or before August 10, 2021, then starting August 11, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 August 11, 2021.
7. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust:
 - i) \$1,422.25 if the payment is made on or before July 31, 2021, or
 - ii) \$2,658.50 if the payment is made on or before August 10, 2021**.If the Tenants do 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.
8. 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 August 11, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

July 30, 2021
Date Issued



Debbie Mosaheb
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 February 11, 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 111623 (ON LTB)

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)	September 1, 2020 to November 2, 2020	\$2,553.79
Less the amount the Tenants paid to the Landlord		-\$12,443.50
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	November 3, 2020 to July 30, 2021	\$10,972.80
Less the rent deposit:		-\$1,150.00
Less the interest owing on the rent deposit:	May 1, 2016 to November 2, 2020	-\$96.91
NSF cheque charges:		\$21.00
Administration charges related to NSF cheque charges:		\$60.00
Amount owing to the Landlord on the order date: (total of previous boxes)		-\$82.82
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting July 31, 2021:		\$40.64 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$103.18, + \$40.64 per day starting July 31, 2021

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

1. If the payment is made on or before July 31, 2021:

Reasons for amount owing	Period	Amount
Arrears:	September 1, 2020 to July 31, 2021	\$13,598.75
Less the amount the Tenants paid to the Landlord:		-\$12,443.50
Additional costs the Tenants must pay to the Landlord:		\$186.00
NSF cheque charges:		\$21.00
Administration charges related to NSF cheque charges:		\$60.00
Total the Tenants must pay to continue the tenancy:	On or before July 31, 2021	\$1,422.25

2. If the payment is made after July 31, 2021 but on or before August 10, 2021:

Reasons for amount owing	Period	Amount
Arrears:	September 1, 2020 to August 31, 2021	\$14,835.00
Less the amount the Tenants paid to the Landlord:		-\$12,443.50
Additional costs the Tenants must pay to the Landlord:		\$186.00
NSF cheque charges:		\$21.00
Administration charges related to NSF cheque charges:		\$60.00
Total the Tenants must pay to continue the tenancy:	On or before August 10, 2021	\$2,658.50