



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-96363-20

In the matter of: 7 SUNSET PLACE
BARRIE ON L4N0T7

Between: Chuck Hounsell Landlords
Catherine Hounsell

and

Melanie Macinnis Tenant

Chuck Hounsell and Catherine Hounsell (the 'Landlords') applied for an order to terminate the tenancy and evict Melanie Macinnis (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. (L1 Application)

The Landlords also applied for an order to terminate the tenancy and evict the Tenant because the Tenant has been persistently late in paying the Tenant's rent. (L2 Application)

These applications were heard by video conference on June 3, 2021. Only Landlord Chuck Hounsell attended the hearing. As of 2:00 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

L1 Application

1. The Tenant is in possession of the rental unit.
2. The monthly rent is \$1,700.00.
3. The Tenant has not paid the total rent the Tenant was required to pay for the period from August 1, 2020 to June 30, 2021. Because of the arrears, the Landlords served a Notice of Termination effective October 16, 2020.
4. The Landlords collected a rent deposit of \$1,700.00 from the Tenant and this deposit is still being held by the Landlords.
5. Interest on the rent deposit is owing to the Tenant for the period from September 1, 2019 to October 16, 2020.

6. The Tenant paid \$4,700.00 after the application was filed.

L2 Application

7. This is a monthly tenancy, and rent is due on the first day of each month. The tenancy started approximately two years ago. The evidence before me reveals that the Tenant has not paid the full rent when due for 12 of the 12 months before the hearing date. I am satisfied that the Tenant has been persistently late in paying the rent.
8. 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 COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement 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. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before June 25, 2021.
2. The Tenant shall pay to the Landlords \$10,471.50*, which represents the amount of rent owing and compensation up to June 14, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenant shall also pay to the Landlords \$55.89 per day for compensation for the use of the unit starting June 15, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords \$201.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing* on or before June 25, 2021, the Tenant will start to owe interest. This will be simple interest calculated from June 26, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before June 25, 2021, then starting June 26, 2021, 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 June 26, 2021.

June 14, 2021
Date Issued



Dawn Sullivan
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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 December 26, 2021 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.

**Schedule 1
SUMMARY OF CALCULATIONS**

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A. Amount the Tenant must pay as the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	August 1, 2020 to October 16, 2020	\$3,444.25
Less the amount the Tenant paid to the Landlords		-\$4,700.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	October 17, 2020 to June 14, 2021	\$13,469.49
Less the rent deposit:		-\$1,700.00
Less the interest owing on the rent deposit:	September 1, 2019 to October 16, 2020	-\$42.24
Amount owing to the Landlords on the order date: (total of previous boxes)		\$10,471.50
Additional costs the Tenant must pay to the Landlords:		\$201.00
Plus daily compensation owing for each day of occupation starting June 15, 2021:		\$55.89 (per day)
Total the Tenant must pay the Landlords as the tenancy is terminated:		\$10,672.50, + \$55.89 per day starting June 15, 2021

2021 CanLII 93096 (ON LTB)