



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-11268-21

In the matter of: 7 APPLEBAUM TERRACE
NORTH YORK ON M3J0E7

Between: Tuyet Lu
Minh Dao

Landlords

and

Andrew Valenzuela

Tenant

Tuyet Lu and Minh Dao (the 'Landlords') applied for an order to terminate the tenancy and evict Andrew Valenzuela (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by video conference on October 4, 2021.

Only the Landlord M. Dao, on behalf of both Landlords, attended the hearing. As of 2:57 p.m. the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from April 1, 2021 to October 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective July 16, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$600.00.
4. The Landlords collected a rent deposit of \$600.00 from the Tenant and this deposit is still being held by the Landlords.
5. I have considered all of the disclosed circumstances in accordance with section 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 Tenant, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Landlords spoke with the Tenant on the necessity of a repayment agreement. The Landlord's attempts at negotiating a repayment agreement were unsuccessful. The Tenant made no payments after the application was filed.

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 October 26, 2021.
2. The Tenant shall pay to the Landlords \$2,751.05*, which represents the amount of rent owing and compensation up to October 15, 2021, less the rent deposit.
3. The Tenant shall also pay to the Landlords \$19.73 per day for compensation for the use of the unit starting October 16, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing* on or before October 26, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 27, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 26, 2021, then starting October 27, 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 October 27, 2021.
8. If, on or before October 26, 2021, the Tenant pays the amount of \$3,826.00** 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 October 27, 2021 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.

October 15, 2021

Date Issued

Head Office
777 Bay Street, 12th Floor
Toronto Ontario M5G2E5



Jitewa Edu
Member, Landlord and Tenant Board

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 April 27, 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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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)	April 1, 2021 to July 16, 2021	\$1,555.62
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	July 17, 2021 to October 15, 2021	\$1,795.43
Less the rent deposit:		-\$600.00
Amount owing to the Landlords on the order date:(total of previous boxes)		\$2,751.05
Additional costs the Tenant must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting October 16, 2021:		\$19.73 (per day)
Total the Tenant must pay the Landlords if the tenancy is terminated:		\$2,937.05, + \$19.73 per day starting October 16, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2021 to October 31, 2021	\$3,640.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before October 26, 2021	\$3,826.00

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