



Order under Section 69
Residential Tenancies Act, 2006

File Number: NOL-43128-21

In the matter of: 405, 94 ALLARD STREET
SAULT STE MARIE ON P6B5E9

Between: Pine Allard Properties Landlord

and

Darren Ervin Tenants
Deborah Ervin

Pine Allard Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Deborah Ervin and Darren Ervin (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. The Landlord also claimed NSF cheque charges.

This application was heard by videoconference on September 23, 2021. Only the Landlord, Carrie Seabrook, attended the hearing. As of 2:09 p.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from June 1, 2021 to September 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective June 22, 2021.
2. The Landlord incurred charges of \$25.00 for cheques tendered by or on behalf of the Tenants, which were returned NSF.
3. The Tenants are in possession of the rental unit.
4. The lawful monthly rent is \$1,048.53.
5. The Landlord collected a rent deposit of \$990.00 from the Tenants and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenants for the period from June 1, 2017 to June 22, 2021.
7. The Tenants paid \$1,200.00 after the application was filed.

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 October 18, 2021.
2. The Tenants shall pay to the Landlord **\$1,623.16***, which represents the amount of rent owing and compensation up to October 7, 2021 and the total charges related to a NSF cheque tendered to the Landlord by or on behalf of the Tenants, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord **\$34.47** per day for compensation for the use of the unit starting October 8, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord **\$186.00** for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before October 18, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 19, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 18, 2021, then starting October 19, 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 October 19, 2021.
8. If, on or before October 18, 2021, the Tenants pay the amount of **\$3,653.65**** 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 Tenants 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 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 October 19, 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.

October 7, 2021
Date Issued

Michael Di Salle
Michael Di Salle
Member, Landlord and Tenant Board

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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 19, 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 142004 (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)	June 1, 2021 to June 22, 2021	\$158.39
Less the amount the Tenants paid to the Landlord		-\$1,200.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	June 23, 2021 to October 7, 2021	\$3,688.29
Less the rent deposit:		-\$990.00
Less the interest owing on the rent deposit:	June 1, 2017 to June 22, 2021	-\$58.52
NSF cheque charges:		\$25.00
Amount owing to the Landlord on the order date:(total of previous boxes)		\$1,623.16
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 8, 2021:		\$34.47 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$1,809.16, + \$34.47 per day starting October 8, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	June 1, 2021 to October 31, 2021	\$4,642.65
Less the amount the Tenants paid to the Landlord		-\$1,200.00
NSF cheque charges:		\$25.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before October 18, 2021	\$3,653.65