



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-21501-21

In the matter of: 23 MCDONALD STREET
ST CATHARINES ON L2S2M2

Between: 9225641 Canada Inc Landlord

and

Michael Wilton Tenants
Rhonda Chovance

9225641 Canada Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Wilton and Rhonda Chovance (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. (L1 application)

The Landlord also applied for an order to terminate the tenancy and evict the Tenants because they have been persistently late in paying their rent. The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date. (L2 application)

This application was heard by videoconference on August 11, 2021.

Only the Landlord's Legal Representative, Paul Startek, attended the hearing. As of 9:41 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:


1. At the hearing, the Landlord's Legal Representative requested the consent of the Board to withdraw their L2 application as the Tenants had vacated on June 3, 2021.
2. Pursuant to s. 200(4) of the *Residential Tenancies Act, 2006*, S.O., 2006 c.17, the Board consents to the withdrawal of the L2 application.
3. With respect to the L1 application, The Tenants have not paid the total rent the Tenants were required to pay for the period from December 1, 2020 to February 28, 2021. Because of the arrears, the Landlord served a Notice of Termination effective March 15, 2021.
4. I find that the tenancy ended on June 3, 2021, the date the Tenants vacated the rental unit.

5. The Landlord collected a rent deposit of \$1,470.59 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 May 1, 2018 to June 3, 2021.

It is ordered that:

1. The Landlord's L2 application is withdrawn.
2. The tenancy between the Landlord and the Tenant is terminated effective June 3, 2021.
3. The Tenants shall pay to the Landlord \$6,473.64*, which represents the amount of rent owing and compensation up to June 3, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
4. The Tenants shall also pay to the Landlord \$201.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before October 1, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 2, 2021 at 2.00% annually on the balance outstanding.

September 21, 2021
Date Issued



Diane Wade
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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 4, 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 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)	December 1, 2020 to March 31, 2021	\$4,856.76
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	April 1, 2021 to June 3, 2021	\$3,147.96
Less the rent deposit:		-\$1,470.59
Less the interest owing on the rent deposit:	May 1, 2018 to June 3, 2021	-\$60.49
Amount owing to the Landlord on the order date: (total of previous boxes)		\$6,473.64
Additional costs the Tenants must pay to the Landlord:		\$201.00
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$6,674.64

2021 CanLII 125815 (ON LTB)