



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-01829-21

In the matter of: 1518, 1055 BLOOR STREET
MISSISSAUGA ON L4Y2N5

Between: Capreit Limited Partnership Landlord

and

Courtney Dewdney Tenants
Teresa Peter

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Teresa Peter and Courtney Dewdney (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on November 8, 2021. Only the Landlord's Legal Representative, Gabriela Quaresma, attended the hearing. As of 3:48 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 July 1, 2021 to November 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective July 27, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$1,304.15.
4. The Landlord collected a rent deposit of \$1,304.15 from the Tenants and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenants for the period from April 1, 2021 to July 27, 2021.
6. The Tenants paid \$5,216.60 after the application was filed.

7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to postpone the eviction until **November 30, 2021** pursuant to subsection 83(1)(b) 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 **November 30, 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 and compensation the Landlord is entitled to by **\$603.83***.
3. However, the Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenants:
\$42.88 per day for compensation for the use of the unit starting November 16, 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 November 30, 2021, then starting December 1, 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 December 1, 2021.
7. If, on or before November 30, 2021, the Tenants pay the amount of **\$1,490.15**** 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.
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 December 1, 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.

November 15, 2021
Date Issued

Michael Di Salle
Michael Di Salle
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 June 1, 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 146532 (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)	July 1, 2021 to July 27, 2021	\$1,157.66
Less the amount the Tenants paid to the Landlord		-\$5,216.60
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	July 28, 2021 to November 15, 2021	\$4,759.68
Less the rent deposit:		-\$1,304.15
Less the interest owing on the rent deposit:	April 1, 2021 to July 27, 2021	-\$0.42
Amount owing to the Landlord on the order date:(total of previous boxes)		-\$603.83
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting November 16, 2021:		\$42.88 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		-\$417.83, + \$42.88 per day starting November 16, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2021 to November 30, 2021	\$6,520.75
Less the amount the Tenants paid to the Landlord		-\$5,216.60
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before November 30, 2021	\$1,490.15