



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-48157-21

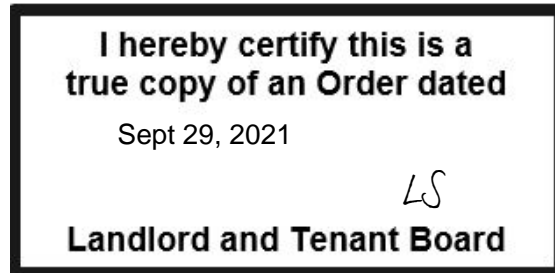
In the matter of: 1, 2403 ARTHUR ROAD
WINDSOR ON N8W4V8

Between: Layton Gilbraith
Kristen Gilbraith

Landlords

and

Dustin Menard



Tenant

Layton Gilbraith and Kristen Gilbraith (the 'Landlords') applied for an order to terminate the tenancy and evict Dustin Menard (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent. The Landlords also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard via video conference on July 16, 2021.

The Landlord, Layton Gilbraith and the Landlords' legal representative, John Kulikowski attended the hearing.

At 11:36 a.m. the Tenant was not present or represented at the hearing.

Determinations:

1. The Tenant moved into the unit in February 2020.
2. This is a month to month tenancy and the rent is due on the 1st day of each month.
3. The Tenant has persistently failed to pay the rent on the date it was due.
4. The Landlords collected a rent deposit of \$1,350.00 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 February 14, 2020 to February 28, 2021.
6. 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 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, as of October 10, 2021. The Tenant must move out of the rental unit on or before October 10, 2021.
2. The Tenant shall pay to the Landlords \$8,101.53, which represents compensation for the use of the unit from March 1, 2021 to September 29, 2021, less the rent deposit and interest the Landlords owe on the rent deposit. The Landlord shall deduct from this amount, any payments the Tenant made from March 1, 2021 to September 29, 2021.
3. The Tenant shall also pay to the Landlords \$44.38 per day for compensation for the use of the unit from September 30, 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 10, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 11, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 10, 2021, then starting October 11, 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 11, 2021.

September 29, 2021
Date Issued



Debbie Mosaheb
Member, Landlord and Tenant Board

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

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 11, 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.