



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-98832-21

In the matter of: 212, 141 MAIN STREET S
BRAMPTON ON L6Y1N3

Between: Imh Pool Xiv LP

Landlord

and

Tammy Melindy

Tenant

Imh Pool Xiv Lp (the 'Landlord') applied for an order to terminate the tenancy and evict Tammy Melindy (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed NSF cheque charges and related administration charges.

This application was heard by videoconference on July 5, 2021. As of 9:18 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board. The Landlord's Agent, Katrina Murrell attended the hearing.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from September 1, 2020 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective February 13, 2021.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$1,142.39.
4. The Landlord incurred charges of \$10.00 for two cheques tendered by or on behalf of the Tenant, which were returned NSF and \$40.00 for related administration charges.
5. The Landlord collected a rent deposit of \$1,142.39 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from January 1, 2021 to February 13, 2021.
7. The Tenant paid \$6,501.39 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

Tenant, 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 Tenant voids the order as set out below, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before July 23, 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, compensation, and any unpaid charges related to NSF cheques the Landlord is entitled to by \$1,030.28*.
3. However, the Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenant:
\$37.56 per day for compensation for the use of the unit starting July 13, 2021 to the date the Tenant moves out of the unit, and
\$186.00 for the cost of filing the application.
4. The Landlord or the Tenant 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 July 23, 2021, then starting July 24, 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 July 24, 2021.
7. **If, on or before July 23, 2021, the Tenant pays the amount of \$1,067.90** 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 Tenant 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 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 July 24, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlord.



Renee Lang
Member, Landlord and Tenant Board

July 12, 2021
Date Issued

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 January 24, 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 103092 (ON LTB)

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)	September 1, 2020 to February 13, 2021	\$967.20
Less the amount the Tenant paid to the Landlord		-\$6,501.39
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	February 14, 2021 to July 12, 2021	\$5,596.44
Less the rent deposit:		-\$1,142.39
Less the interest owing on the rent deposit:	January 1, 2021 to February 13, 2021	-\$0.14
NSF cheque charges:		\$10.00
Administration charges related to NSF cheque charges:		\$40.00
Amount owing to the Landlord on the order date: (total of previous boxes)		-\$1,030.28
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting July 13, 2021:		\$37.56 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		-\$844.28, + \$37.56 per day starting July 13, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	September 1, 2020 to July 31, 2021	\$7,333.29
Less the amount the Tenant paid to the Landlord		-\$6,501.39
Additional costs the Tenant must pay to the Landlord:		\$186.00
NSF cheque charges:		\$10.00
Administration charges related to NSF cheque charges:		\$40.00
Total the Tenant must pay to continue the tenancy:	On or before July 23, 2021	\$1,067.90