



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-97146-20

In the matter of: 154, 7170 DARCEL AVENUE
MISSISSAUGA ON L4T3T5

Between: IMH Pool XX Landlord

and

Camron Marksman Tenants
Sarah Mcdermott
Triston Marksman

IMH Pool XX (the 'Landlord') applied for an order to terminate the tenancy and evict Camron Marksman, Triston Marksman and Sarah Mcdermott (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 14, 2021.

Only the Landlord's Legal Representative, Joanna Aloy, attended the hearing. As of 4:17 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, 2020 to June 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective December 2, 2020.
2. The Tenants are in possession of the rental unit.
3. As of December 1, 2020, the lawful monthly rent is \$1,588.67.
4. The Landlord collected a rent deposit of \$1,554.85 from the Tenants and this deposit is still being held by the Landlord.

5. The Landlord has paid interest on the rent deposit up to December 31, 2020. If the tenancy terminates pursuant to this order, the Landlord will not owe any further interest on the rent deposit.
6. The Tenants paid \$13,600.00 after the application was filed.
7. 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 not be unfair to postpone the eviction until July 31, 2021 pursuant to subsection 83(1)(b) 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 Tenants is terminated. The Tenants must move out of the rental unit on or before July 31, 2021.
2. The Tenants shall pay to the Landlord \$2,803.38*, which represents the amount of rent owing and compensation up to June 28, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$52.23 per day for compensation for the use of the unit starting June 29, 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 July 31, 2021, the Tenants will start to owe interest. This will be simple interest calculated from August 1, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 31, 2021, then starting August 1, 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 August 1, 2021.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust:
 - i) \$4,696.62 if the payment is made on or before June 30, 2021, or
 - ii) \$6,285.29 if the payment is made on or before July 31, 2021**.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then 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 August 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.

June 28, 2021

Date Issued



Khalid Akram
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 February 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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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, 2020 to December 2, 2020	\$7,094.39
Less the amount the Tenants paid to the Landlord		-\$13,600.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	December 3, 2020 to June 28, 2021	\$10,863.84
Less the rent deposit:		-\$1,554.85
Amount owing to the Landlord on the order date:(total of previous boxes)		\$2,803.38
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting June 29, 2021:		\$52.23 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$2,989.38, + \$52.23 per day starting June 29, 2021

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

1. If the payment is made on or before June 30, 2021:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2020 to June 30, 2021	\$18,110.62
Less the amount the Tenants paid to the Landlord:		-\$13,600.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before June 30, 2021	\$4,696.62

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2. If the payment is made after June 30, 2021 but on or before July 31, 2021:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2020 to July 31, 2021	\$19,699.29
Less the amount the Tenants paid to the Landlord:		-\$13,600.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before July 31, 2021	\$6,285.29