

Order under Section 69  
**Residential Tenancies Act, 2006**

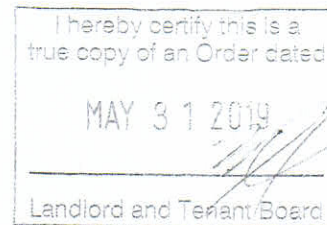
**File Number:** SWL-29538-19

**In the matter of:** 2660 TEEDIE CRESCENT  
WINDSOR ON N8R2K5

**Between:** Craig Wesley

**and**

Anna-Marie Quenneville



Landlord

Tenant

Craig Wesley (the 'Landlord') applied for an order to terminate the tenancy and evict Anna-Marie Quenneville (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard in Windsor on May 29, 2018 and May 30, 2019.

The Landlord's Legal Representative, Marc Hooper, attended the hearing. The Tenant attended the hearing and declined the opportunity to speak with Duty Counsel prior to the hearing.

The parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

**At the hearing, the parties agreed:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from January 1, 2019 to May 31, 2019. Because of the arrears, the Landlord served a Notice of Termination effective March 23, 2019.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$1,700.00.
4. The Tenant has made no payments since the application was filed.
5. The Landlord collected a rent deposit of \$1,700.00 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 July 1, 2018 to March 23, 2019.

7. The parties consent to the termination date set out in the order below.

**On consent of the parties, 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 June 21, 2019.
2. The Tenant shall pay to the Landlord \$5,619.60\*, which represents the amount of rent owing and compensation up to May 31, 2019, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$55.89 per day for compensation for the use of the unit starting June 1, 2019 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$175.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing\* on or before June 21, 2019, the Tenant will start to owe interest. This will be simple interest calculated from June 22, 2019 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before June 21, 2019, then starting June 22, 2019, 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 June 22, 2019.
8. If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlord or to the Board in trust:
  - i) \$7,475.00 if the payment is made on or before May 31, 2019, or
  - ii) \$9,175.00 if the payment is made on or before June 21, 2019\*\*.If the Tenant does 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 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 June 22, 2019 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.

**May 31, 2019**  
Date Issued

  
\_\_\_\_\_  
Carol McDermott  
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 December 22, 2019 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**

File Number: SWL-29538-19

**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)	January 1, 2019 to March 23, 2019	\$3,485.48
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 24, 2019 to May 31, 2019	\$3,856.41
Less the rent deposit:		-\$1,700.00
Less the interest owing on the rent deposit:	July 1, 2018 to March 23, 2019	-\$22.29
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$5,619.60</b>
Additional costs the Tenant must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting June 1, 2019:		\$55.89 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$5,794.60, + \$55.89 per day starting June 1, 2019</b>

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

**1. If the payment is made on or before May 31, 2019:**

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2019 to May 31, 2019	\$7,300.00
Additional costs the Tenant must pay to the Landlord:		\$175.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before May 31, 2019	<b>\$7,475.00</b>

**2. If the payment is made after May 31, 2019 but on or before June 21, 2019:**

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2019 to June 30, 2019	\$9,000.00
Additional costs the Tenant must pay to the Landlord:		\$175.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before June 21, 2019	<b>\$9,175.00</b>