



Order under Section 69
Residential Tenancies Act, 2006

File Number: NOL-39684-20

In the matter of: 1, 61 CLEMOW AVENUE
SUDBURY ON P3C3H2

Between: Casandra Cole Landlord

and

Nickolas Crepeau Tenants
Terri Caron

Casandra Cole (the 'Landlord') applied for an order to terminate the tenancy and evict Nickolas Crepeau and Terri Caron (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe (L1 Application) and because they have been persistently late in paying their rent (L2 Application).

These applications were heard by video conference on June 14, 2021. Only the Landlord's legal representative, Angie Gravelle, attended the hearing. As of noon, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

L1 Application

1. The Tenants are in possession of the rental unit.
2. The monthly rent is \$1,800.00.
3. The Tenants have not paid the total rent the Tenants were required to pay for the period from November 1, 2019 to December 31, 2020. Because of the arrears, the Landlord served a Notice of Termination effective January 28, 2020.
4. The Landlord collected a rent deposit of \$500.00 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 October 18, 2019 to January 28, 2020.
6. The Tenants paid \$5,600.00 after the application was filed.

L2 Application

7. This is a monthly tenancy, and rent is due on the first day of each month. The evidence before me reveals that the Tenants have not paid the full rent when due since November 2019. I am satisfied that the Tenants have been persistently late in paying the rent.
8. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenants, 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 Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before July 5, 2021.
2. The Tenants shall pay to the Landlord \$24,756.24*, which represents the amount of rent owing and compensation up to June 24, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$59.18 per day for compensation for the use of the unit starting June 25, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$190.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before July 5, 2021, the Tenants will start to owe interest. This will be simple interest calculated from July 6, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 5, 2021, then starting July 6, 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 July 6, 2021.

June 24, 2021
Date Issued


Dawn Sullivan
Member, Landlord and Tenant Board

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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 6, 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.

**Schedule 1
SUMMARY OF CALCULATIONS**

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A. Amount the Tenants must pay as the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	November 1, 2019 to January 28, 2020	\$500.00
Less the amount the Tenants paid to the Landlord		-\$5,600.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	January 29, 2020 to June 24, 2021	\$30,359.34
Less the rent deposit:		-\$500.00
Less the interest owing on the rent deposit:	October 18, 2019 to January 28, 2020	-\$3.10
Amount owing to the Landlord on the order date: (total of previous boxes)		\$24,756.24
Additional costs the Tenants must pay to the Landlord:		\$190.00
Plus daily compensation owing for each day of occupation starting June 25, 2021:		\$59.18 (per day)
Total the Tenants must pay the Landlord as the tenancy is terminated:		\$24,946.24, + \$59.18 per day starting June 25, 2021

2021 CanLII 94710 (ON LTB)