



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-54774-21

In the matter of: 205, 88 OAKVILLE AVENUE
LONDON ON N5V2S7

Between: Amiraco Properties Inc Landlord

and

Alex Earnest Tenant

Amiraco Properties Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Alex Earnest (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on December 20, 2021. Only the Landlord's Legal Representative, Jessica Lapowski, attended the hearing. As of 2:42 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from July 1, 2021 to December 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective September 8, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$818.84.
4. The Landlord collected a rent deposit of \$745.00 from the Tenant and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenant for the period from July 1, 2014 to September 8, 2021.
6. The Tenant paid \$3,102.00 after the application was filed.
7. 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 not be unfair to postpone the eviction until February 28, 2022 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 Tenant is terminated. The Tenant must move out of the rental unit on or before February 28, 2022.
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 and compensation the Landlord is entitled to by \$68.77*.
3. However, the Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenant: \$26.92 per day for compensation for the use of the unit starting January 8, 2022 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 February 28, 2022, then starting March 1, 2022, 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 March 1, 2022.
7. 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) \$1,565.88 if the payment is made on or before January 31, 2022, or
 - ii) \$2,384.72 if the payment is made on or before February 28, 2022**.
 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.
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 March 1, 2022 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.

January 7, 2022
Date Issued



Greg Brocanier
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 September 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 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)	July 1, 2021 to September 8, 2021	\$603.05
Less the amount the Tenant paid to the Landlord		-\$3,102.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	September 9, 2021 to January 7, 2022	\$3,257.32
Less the rent deposit:		-\$745.00
Less the interest owing on the rent deposit:	July 1, 2014 to September 8, 2021	-\$82.14
Amount owing to the Landlord on the order date:(total of previous boxes)		-\$68.77
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting January 8, 2022:		\$26.92 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$117.23, + \$26.92 per day starting January 8, 2022

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

1. If the payment is made on or before January 31, 2022:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2021 to January 31, 2022	\$4,481.88
Less the amount the Tenant paid to the Landlord:		-\$3,102.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before January 31, 2022	\$1,565.88

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2. If the payment is made after January 31, 2022 but on or before February 28, 2022:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2021 to February 28, 2022	\$5,300.72
Less the amount the Tenant paid to the Landlord:		-\$3,102.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before February 28, 2022	\$2,384.72

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