

Order under Section 69  
Residential Tenancies Act, 2006

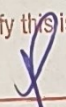
File Number: HOL-04165-19

In the matter of: 1609, 3700 HWY 7 W  
VAUGHAN ON L4L0G8

Between: Sergey Sayenko  
Svitlana Sayenko

and

Alexa-Rae Collver

I hereby certify this is a true copy of the Order Landlords  
(Name of Document)  
  
(Signature of Staff Member)

MAR 06 2019

Landlord and Tenant Board

Tenant

Sergey Sayenko and Svitlana Sayenko (the 'Landlords') applied for an order to terminate the tenancy and evict Alexa-Rae Collver (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard in Newmarket on March 4, 2019.

Only the Landlords attended the hearing.

**Determinations:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from December 1, 2018 to March 31, 2019. Because of the arrears, the Landlords served a Notice of Termination effective January 16, 2019.
2. The Landlords collected a rent deposit of \$1,600.00 from the Tenant and this deposit is still being held by the Landlords.
3. Interest on the rent deposit is owing to the Tenant for the period from April 2, 2018 to January 16, 2019.
4. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

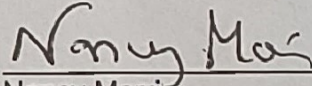
**It is ordered that:**

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before March 17, 2019.
2. The Tenant shall pay to the Landlords \$3,096.16\*, which represents the amount of rent owing and compensation up to March 6, 2019, less the rent deposit and interest the Landlords owe on the rent deposit.



3. The Tenant shall also pay to the Landlords \$52.60 per day for compensation for the use of the unit starting March 7, 2019 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords \$175.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing\* on or before March 17, 2019, the Tenant will start to owe interest. This will be simple interest calculated from March 18, 2019 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before March 17, 2019, then starting March 18, 2019, the Landlords 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 Landlords, on or after March 18, 2019.
8. If, on or before March 17, 2019, the Tenant pays the amount of \$6,275.00\*\* to the Landlords 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 Landlords 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 March 18, 2019 but before the Sheriff gives vacant possession to the Landlords. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

**March 6, 2019**  
**Date Issued**

  
Nancy Morris  
Member, Landlord and Tenant Board

Toronto North-RO  
47 Sheppard Avenue East, Suite 700, 7th Floor  
Toronto ON M2N5X5

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 18, 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: HOL-04165-19

**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)                                  | December 1, 2018 to January 16, 2019 | \$2,141.64  |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | January 17, 2019 to March 6, 2019    | \$2,577.40  |
| Less the rent deposit:  |                                      | -\$1,600.00   |
| Less the interest owing on the rent deposit:  | April 2, 2018 to January 16, 2019    | -\$22.88  |
| <b>Amount owing to the Landlords on the order date:(total of previous boxes)</b>                    |                                      | <b>\$3,096.16</b>   |
| Additional costs the Tenant must pay to the Landlords:  |                                      | \$175.00  |
| Plus daily compensation owing for each day of occupation starting March 7, 2019:                    |                                      | \$52.60 (per day)   |
| <b>Total the Tenant must pay the Landlords if the tenancy is terminated:</b>                        |                                      | <b>\$3,271.16, +<br/>\$52.60 per day<br/>starting March 7, 2019</b> |

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

| Reasons for amount owing                                  | Period                             | Amount            |
|---|------------------------------------|-------------------|
| Arrears:  | December 1, 2018 to March 31, 2019 | \$6,100.00        |
| Additional costs the Tenant must pay to the Landlords:    |                                    | \$175.00          |
| <b>Total the Tenant must pay to continue the tenancy:</b> | On or before March 17, 2019        | <b>\$6,275.00</b> |