



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

**File Number:** SWL-51243-21

**In the matter of:** 8349 EAST MOOR COURT  
WINDSOR ON N8S4M7

**Between:** D. Kilby Landlords  
T. Barker

**and**

Sean Boutcher Tenant

D. Kilby and T. Barker (the 'Landlords') applied for an order to terminate the tenancy and evict Sean Boutcher (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard via video conference on August 12, 2021.

The Landlords' legal representative, Christopher Hall and Lynn Perillo attended the hearing.

The hearing commenced at 12:11 p.m. and the Tenant was not present. The Landlords' representative, C. Hall advised that the Tenant did call into the hearing and consulted with Tenant Duty Counsel, but had disconnected about twenty minutes prior to the matter being called for hearing. The hearing was held down to give the Tenant an opportunity to reconnect to the hearing.

At 12:33 p.m. the hearing proceeded. L. Perillo was present for the Landlords and advised that an email was sent to the Tenant about continuing with the hearing. The Tenant did not attend the hearing.

**Determinations:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from January 1, 2021 to August 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective April 29, 2021.
2. The Tenant is in possession of the unit.
3. The monthly rent is \$1,374.00.
4. The Tenant made no payments after the application was filed.
5. The Landlord is no longer holding a last month's rent deposit. The deposit was used for the December 2020 rent as the Tenant advised he was moving out of the unit.
6. 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 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 October 4, 2021.
2. The Tenant shall pay to the Landlords \$12,072.00\*, which represents the amount of rent owing and compensation up to September 23, 2021.
3. The Tenant shall also pay to the Landlords \$45.17 per day for compensation for the use of the unit starting September 24, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing\* on or before October 4, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 5, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 4, 2021, then starting October 5, 2021, 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 October 5, 2021.
8. If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlords or to the Board in trust:
  - i) \$12,552.00 if the payment is made on or before September 30, 2021, or
  - ii) \$13,926.00 if the payment is made on or before October 4, 2021\*\*.If the Tenant does not make full payment in accordance with this paragraph and by the appropriate deadline, then 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 October 5, 2021 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.

**September 23, 2021**  
**Date Issued**



**Debbie Mosaheb**  
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 April 5, 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**

**File Number: SWL-51243-21**

**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, 2021 to April 29, 2021	\$5,432.01
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	April 30, 2021 to September 23, 2021	\$6,639.99
Amount owing to the Landlords on the order date: (total of previous boxes)		<b>\$12,072.00</b>
Additional costs the Tenant must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting September 24, 2021:		\$45.17 (per day)
<b>Total the Tenant must pay the Landlords if the tenancy is terminated:</b>		<b>\$12,258.00, + \$45.17 per day starting September 24, 2021</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 September 30, 2021:**

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2021 to September 30, 2021	\$12,366.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before September 30, 2021	<b>\$12,552.00</b>

2021 CanLII 127402 (ON LTB)

2. If the payment is made after September 30, 2021 but on or before October 4, 2021:

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2021 to October 31, 2021	\$13,740.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before October 4, 2021	\$13,926.00