



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-52168-21

In the matter of: UPPER, 98 ERIE ST N
WHEATLEY ON N0P2P0

Between: Heather Barker Landlord

and

Cheryl-Lynn Berezoski Tenants
Steve Wheaton

Heather Barker (the 'Landlord') applied for an order to terminate the tenancy and evict Cheryl-Lynn Berezoski and Steve Wheaton (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on October 1, 2021. Only the Landlord attended the hearing. As of 10:53 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from May 1, 2021 to October 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective May 24, 2021.
 2. The Tenants are in possession of the rental unit.
 3. The lawful monthly rent is \$900.00.
 4. The Landlord is not holding a last month's rent deposit.
 5. The Tenants have made no payments since the application was filed.
1. 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. The Landlord attempted to negotiate a repayment plan. The male tenant told him that he was not going to pay any rent and that he would "see him in court". As such,

I 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 Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 25, 2021.
2. The Tenants shall pay to the Landlord \$4,741.51*, which represents the amount of rent owing and compensation up to October 14, 2021.
3. The Tenants shall also pay to the Landlord \$29.59 per day for compensation for the use of the unit starting October 15, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before October 25, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 26, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 25, 2021, then starting October 26, 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 October 26, 2021.
8. If, on or before October 25, 2021, the Tenants pay the amount of \$5,386.00** to the Landlord or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated and the Tenants could remain in the unit. If this payment is not made in full and on time, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. The Tenants 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 26, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

October 14, 2021
Date Issued

Tavlin Kaur
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 26, 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 Tenants must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	May 1, 2021 to May 24, 2021	\$510.14
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	May 25, 2021 to October 14, 2021	\$4,231.37
Amount owing to the Landlord on the order date: (total of previous boxes)		\$4,741.51
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 15, 2021:		\$29.59 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$4,927.51, + \$29.59 per day starting October 15, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	May 1, 2021 to October 31, 2021	\$5,200.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before October 25, 2021	\$5,386.00

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