



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-52827-21

In the matter of: B, 24 FRANCES STREET
TILLSONBURG ON N4G1E9

Between: Darrell Marshall Landlord

and

Jason Johnson Tenants
Melissa Johnson

Darrell Marshall (the 'Landlord') applied for an order to terminate the tenancy and evict Jason Johnson and Melissa Johnson (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on September 9, 2021. The Landlord's Agent C. Barker attended the hearing. The Tenant M. Johnson was identified as a caller in the videoconference by the name on a device but did not respond to requests to unmute the device to participate in the attendance or proceedings. After several requests to unmute or disconnect and attempt to reconnect the Tenant was still unresponsive. At 11:23 am the hearing proceeded to be heard and the Tenant did not participate in the proceedings.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from March 1, 2021 to September 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective June 8, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$950.00.
4. The Tenants have made no payments since the application was filed.
5. The Landlord collected a rent deposit of \$950.00 from the Tenants and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenants for the period from December 1, 2017 to June 8, 2021.

7. 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 Tenants void 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 18, 2021.
2. The Tenants shall pay to the Landlord \$5,298.07*, which represents the amount of rent owing and compensation up to October 7, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$31.23 per day for compensation for the use of the unit starting October 8, 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 18, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 19, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 18, 2021, then starting October 19, 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 19, 2021.
8. If, on or before October 18, 2021, the Tenants pay the amount of \$7,211.00** 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 19, 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 7, 2021

Date Issued

Nicola Mulima

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 19, 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)	March 1, 2021 to June 8, 2021	\$2,524.86
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	June 9, 2021 to October 7, 2021	\$3,778.83
Less the rent deposit:		-\$950.00
Less the interest owing on the rent deposit:	December 1, 2017 to June 8, 2021	-\$55.62
Amount owing to the Landlord on the order date: (total of previous boxes)		\$5,298.07
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 8, 2021:		\$31.23 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$5,484.07, + \$31.23 per day starting October 8, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	March 1, 2021 to October 31, 2021	\$7,025.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before October 18, 2021	\$7,211.00

2021 CanLII 132822 (ON LTB)