



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

**File Number:** NOL-42097-21

**In the matter of:** 153 KIRBY AVE  
TIMMINS ON P4N1J7

**Between:** Jo-Anne Johnstone  
Carla Fleury

Landlords

**and**

John Fortin  
Roxanne Labelle

Tenants

Jo-Anne Johnstone and Carla Fleury (the 'Landlords') applied for an order to terminate the tenancy and evict John Fortin and Roxanne Labelle (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by video conference on July 15, 2021.

Only the Landlords' Legal Representative, T. Perron, attended the hearing. As of 2:56 p.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 December 1, 2020 to July 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective January 22, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$950.00.
4. The Landlord is not holding a last month's rent deposit.
5. The Tenants paid \$930.00 after the application was filed.
6. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlords attempted to negotiate a repayment agreement with the Tenants 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 Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before August 2, 2021.
2. The Tenants shall pay to the Landlords \$6,359.75\*, which represents the amount of rent owing and compensation up to July 22, 2021.
3. The Tenants shall also pay to the Landlords \$31.23 per day for compensation for the use of the unit starting July 23, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlords \$201.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing\* on or before August 2, 2021, the Tenants will start to owe interest. This will be simple interest calculated from August 3, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 2, 2021, then starting August 3, 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 August 3, 2021.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlords or to the Board in trust:
  - i) \$6,871.00 if the payment is made on or before July 31, 2021, or
  - ii) \$7,821.00 if the payment is made on or before August 2, 2021\*\*.
 If the Tenants do 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 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 August 3, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

**July 22, 2021**

**Date Issued**

Northern-RO  
199 Larch Street, Provincial Building, Suite 301  
Sudbury ON P3E5P9



Richard Ferriss  
Member, Landlord and Tenant Board

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 February 3, 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: NOL-42097-21

2021 CanLII 106424 (ON LTB)

**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)	December 1, 2020 to January 22, 2021	\$1,637.12
Less the amount the Tenants paid to the Landlords		-\$930.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	January 23, 2021 to July 22, 2021	\$5,652.63
<b>Amount owing to the Landlords on the order date:</b> (total of previous boxes)		<b>\$6,359.75</b>
Additional costs the Tenants must pay to the Landlords:		\$201.00
Plus daily compensation owing for each day of occupation starting July 23, 2021:		\$31.23 (per day)
<b>Total the Tenants must pay the Landlords if the tenancy is terminated:</b>		<b>\$6,560.75, + \$31.23 per day starting July 23, 2021</b>

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

**1. If the payment is made on or before July 31, 2021:**

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2020 to July 31, 2021	\$7,600.00
Less the amount the Tenants paid to the Landlords:		-\$930.00
Additional costs the Tenants must pay to the Landlords:		\$201.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before July 31, 2021	<b>\$6,871.00</b>

2. If the payment is made after July 31, 2021 but on or before August 2, 2021:

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	December 1, 2020 to August 31, 2021	\$8,550.00
Less the amount the Tenants paid to the Landlords:		-\$930.00
Additional costs the Tenants must pay to the Landlords:		\$201.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before August 2, 2021	<b>\$7,821.00</b>

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