



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-14886-20

In the matter of: 15 FACER STREET
ST. CATHARINES ON L2M5H1

Between: 2719312 Ontario Inc Landlord

and

Matt Hall Tenant

2719312 Ontario Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Matt Hall (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 4, 2021. Only the Landlords agent Grant Mc Arthur attended the hearing. As of 1:58p.m., the Tenant was not present or represented although properly served notice of this hearing by the Board.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from March 1, 2020 to December 31, 2020. Because of the arrears, the Landlord served a Notice of Termination effective March 17, 2020.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$950.00.
4. The Tenant paid \$6,652.00 after the application was filed.
5. The Landlord attempted to negotiate a repayment plan for the arrears in person and by sending text messages to the Tenant, however the Tenant was not responsive to these requests.
6. 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. I accept that the Landlord attempted to negotiate a repayment plan for the arrears, however the Tenant was not responsive to these requests.

7. This order terminates the tenancy and permits the Landlord to file the order with Court Enforcement Office (Sheriff) to evict the Tenant. However, as of the date this order was issued, the Sheriff cannot enforce this order as a result of Ontario Regulation 13/21 made under the *Emergency Management and Civil Protection Act*. The Tenant cannot be evicted from the rental unit while this regulation is in force. Eviction by the Sheriff may occur after the regulation is removed by the Ontario Government.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 22, 2021.
2. The Tenant shall pay to the Landlord \$5,828.81*, which represents the amount of rent owing and compensation up to May 11, 2021.
3. The Tenant shall also pay to the Landlord \$29.59 per day for compensation for the use of the unit starting May 12, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$175.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before May 22, 2021, the Tenant will start to owe interest. This will be simple interest calculated from May 23, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before May 22, 2021, then starting May 23, 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 May 23, 2021.
8. If, on or before May 22, 2021, the Tenant pays the amount of \$6,173.00** 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 Tenant 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 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 May 23, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlord.



May 11, 2021
Date Issued

John Mazzilli
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

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