

Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-22056-11


In the matter of: LOWER LEVEL, 41 GLADSTONE AVENUE
GUELPH ON N1E1L8

Between: Eric Martin

I hereby certify this is a true copy of an Order

Landlord

and

 (S. Misener)

Donna Mceachern
Lucas Rivers

Dated Jan. 31/12
Landlord and Tenant Board

Tenants

Eric Martin (the 'Landlord') applied for an order to terminate the tenancy and evict Donna Mceachern and Lucas Rivers (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in Guelph on January 30, 2012. The Landlord attended the hearing. The Tenants were not present or represented at the hearing although properly served with notice of this hearing as it appears from the Certificate of Service.

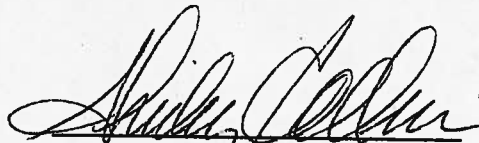
Determinations:

1. The Tenants have not paid the total rent they were required to pay for the period from December 1, 2011 to January 31, 2012. Because of the arrears, the Landlord served a Notice of Termination effective December 21, 2011.
2. The Tenants are in possession of the rental unit.
3. The monthly rent is \$800.00.
4. The Tenants have made no payments since the application was filed.
5. The Landlord collected a rent deposit of \$800.00 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 January 31, 2011 to December 21, 2011.
7. 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.

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 February 11, 2012.
2. The Tenants shall pay to the Landlord \$825.66*, which represents the amount of rent owing and compensation up to January 31, 2012, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$26.30 per day for compensation for the use of the unit starting February 1, 2012 to the date they move out of the unit.
4. The Tenants shall also pay to the Landlord \$170.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before February 11, 2012, the Tenants will start to owe interest. This will be simple interest calculated from February 12, 2012 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before February 11, 2012, then starting February 12, 2012, 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 February 12, 2012.
8. If the Tenants wish to void this order and continue the tenancy, they must pay to the Landlord or to the Board in trust:
 - i) \$1,770.00 if the payment is made on or before January 31, 2012, or
 - ii) \$2,570.00 if the payment is made on or before February 11, 2012**.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then 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 February 12, 2012 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.

January 31, 2012
Date Issued


Shirley Collins
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on August 12, 2012 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)	December 1, 2011 to December 21, 2011	\$552.33
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	December 22, 2011 to January 31, 2012	\$1,078.30
Less the rent deposit:		-\$800.00
Less the interest owing on the rent deposit:	January 31, 2011 to December 21, 2011	-\$4.97
Amount owing to the Landlord on the order date: (total of previous boxes)		\$825.66
Additional costs the Tenants must pay to the Landlord:		\$170.00
Plus daily compensation owing for each day of occupation starting February 1, 2012:		\$26.30 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$995.66, + \$26.30 per day starting February 1, 2012

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

1. If the payment is made on or before January 31, 2012:

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2011 to January 31, 2012	\$1,600.00
Additional costs the Tenants must pay to the Landlord:		\$170.00
Total the Tenants must pay to continue the tenancy:	On or before January 31, 2012	\$1,770.00

2. If the payment is made after January 31, 2012 but on or before February 11, 2012:

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2011 to February 29, 2012	\$2,400.00
Additional costs the Tenants must pay to the Landlord:		\$170.00
Total the Tenants must pay to continue the tenancy:	On or before February 11, 2012	\$2,570.00