

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

**File Number:** CEL-01611-21

**In the matter of:** 7 PETER STREET  
BARRIE ON L4N5R2

**Between:** Nelly Herrera Landlord

**and**

Jensen Wartman Tenants  
Joseph Snider

Nelly Herrera (the 'Landlord') applied for an order to terminate the tenancy and evict Joseph Snider and Jensen Wartman (the 'Tenants') because they have been persistently late in paying their rent. The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard in Passcode: 994 6973 8312# on September 9, 2021.

Only the Landlord and the Landlord's representative, B. Guardado, attended the hearing.

**Determinations:**

1. I find, on the basis of the uncontested testimony of the Landlord and my review of the Landlord's bank statement (Exhibit 1, being page 24 of the Landlord's compendium of documents filed with the Board), which confirms the information set out in the Landlord's N8 notice of termination, that the Tenants have persistently failed to pay the rent on the date it was due.
2. The Landlord testified that since the N8 notice of termination was served rental arrears have continued to accumulate such that as of the date of the hearing the Tenants owed \$5,400.00 in rent. No rental payments have been received since June 2021.
3. The Landlord is a single mother who relies on the rental payments for income
4. Multiple N4 notices of termination have been served and the Landlord's L1 application for termination of the tenancy on the basis of rental arrears is scheduled for hearing on October 18, 2021. If I find that the tenancy should be terminated further to the application before me and if the Tenants have vacated by October 18, 2021, the Landlord will request an order for rental arrears on that date.

5. 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. The tenancy between the Landlord and the Tenants is terminated, as of October 8, 2021. The Tenants must move out of the rental unit on or before October 8, 2021.
2. The Tenants shall pay the Landlord, on or before October 8, 2021, \$186.00 for the cost of filing the application.
3. If the unit is not vacated by October 8, 2021 the Tenants shall pay the Landlord \$52.60 per day for compensation for the use of the unit from October 9, 2021 to the date the Tenants move out of the unit.
4. If the unit is not vacated on or before October 8, 2021, then starting October 9, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
5. 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 9, 2021.



**September 27, 2021**  
**Date Issued**

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Lynn Mitchell  
Member, Landlord and Tenant Board

Central-RO  
3 Robert Speck Pkwy, 5th Floor  
Mississauga ON L4Z2G5

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 9, 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.