

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 16, 2020 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.



Order under Section 69
Residential Tenancies Act, 2006

In the matter of: 13, 5 LINNWOOD AVENUE
CAMBRIDGE ON N1R1V2

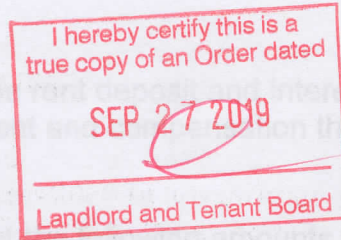
Between: 5 Linnwood Holdings

Landlord

and

Alicia Stevens
Jacobus Langedyk

Tenants



5 Linnwood Holdings (the 'Landlord') applied for an order to terminate the tenancy and evict Jacobus Langedyk and Alicia Stevens (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in Kitchener on September 24, 2019. The Landlord's Legal Representative, Carmen Dawdy, attended the hearing. The Tenants attended the hearing and spoke with Duty Counsel prior to the hearing.

The parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

At the hearing, the parties agreed:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from July 1, 2019 to September 30, 2019. Because of the arrears, the Landlord served a Notice of Termination effective July 17, 2019.
2. The Tenants are in possession of the rental unit.
3. The monthly rent is \$1,495.00.
4. The Landlord collected a rent deposit of \$1,495.00 from the Tenants and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenants for the period from November 2, 2018 to July 17, 2019.
6. The Tenants paid \$2,990.00 after the application was filed.

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7. The parties agree that the amount outstanding to September 30, 2019, inclusive of rent arrears (\$1,495.00), and costs (\$175.00), is \$1,670.00.
8. The parties consent to the termination date set out in the order below.

On consent of the parties, 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 15, 2019.
2. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent and compensation the Landlord is entitled to by \$129.65*.
3. However, the Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenants:
\$49.15 per day for compensation for the use of the unit starting September 28, 2019 to the date the Tenants move out of the unit, and
\$175.00 for the cost of filing the application.
4. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
5. If the unit is not vacated on or before October 15, 2019, then starting October 16, 2019, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 16, 2019.
7. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust:
 - i) \$1,670.00 if the payment is made on or before September 30, 2019, or
 - ii) \$3,165.00 if the payment is made on or before October 15, 2019**.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.
8. 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 16, 2019 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.

September 27, 2019
Date Issued


Lorraine Mathers
Member, Landlord and Tenant Board

**Schedule 1
SUMMARY OF CALCULATIONS**

File Number: SWL-33406-19

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)	July 1, 2019 to July 17, 2019	\$835.56
Less the amount the Tenants paid to the Landlord		-\$2,990.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	July 18, 2019 to September 27, 2019	\$3,538.80
Less the rent deposit:		-\$1,495.00
Less the interest owing on the rent deposit:	November 2, 2018 to July 17, 2019	-\$19.01
Amount owing to the Landlord on the order date:(total of previous boxes)		-\$129.65
Additional costs the Tenants must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting September 28, 2019:		\$49.15 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$45.35, + \$49.15 per day starting September 28, 2019

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

1. If the payment is made on or before September 30, 2019:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2019 to September 30, 2019	\$4,485.00
Less the amount the Tenants paid to the Landlord:		-\$2,990.00
Additional costs the Tenants must pay to the Landlord:		\$175.00
Total the Tenants must pay to continue the tenancy:	On or before September 30, 2019	\$1,670.00

2. If the payment is made after September 30, 2019 but on or before October 15, 2019:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2019 to October 31, 2019	\$5,980.00
Less the amount the Tenants paid to the Landlord:		-\$2,990.00
Additional costs the Tenants must pay to the Landlord:		\$175.00
Total the Tenants must pay to continue the tenancy:	On or before October 15, 2019	\$3,165.00