



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

**File Number:** SWL-51039-21

**In the matter of:** 204, 52 PARKSIDE DRIVE  
ST. THOMAS ON N5R3T9

**Between:** Ed Perl Holdings Ltd Landlord

**and**

Dave Dumouchelle Tenants  
Scott Dumouchelle

Ed Perl Holdings Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Dave Dumouchelle and Scott Dumouchelle (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard via video conference on August 19, 2021.

Only the Landlord's legal representative, Robert Forster, attended the hearing.

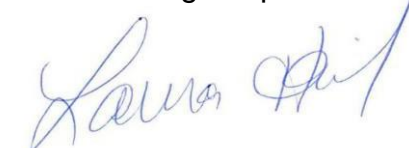
**Determinations:**

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from January 1, 2021 to August 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective March 28, 2021.
2. The arrears of rent owing for the period ending August 31, 2021, total \$649.00.
3. The Landlord incurred costs as a result of filing the application in the amount of \$201.00 and is entitled to be reimbursed for those costs
4. The Tenants paid \$5,465.00 after the application was filed.
5. I have considered all of the disclosed circumstances in accordance with subsections 83(2) and (6) of the *Residential Tenancies Act, 2006* (the 'Act'), including whether the landlord has attempted to negotiate an agreement with the tenant including terms of payment for the tenant's arrears, and I 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 Tenant voids 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 September 13, 2021.
2. The Tenants shall pay to the Landlord \$736.58\*, which represents the amount of rent owing and compensation up to September 2, 2021.
3. The Tenants shall also pay to the Landlord \$25.18 per day for compensation for the use of the unit starting September 3, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$201.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing\* on or before September 13, 2021, the Tenants will start to owe interest. This will be simple interest calculated from September 14, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 13, 2021, then starting September 14, 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 September 14, 2021.
8. If, on or before September 13, 2021, the Tenants pay the amount of \$1,616.00\*\* 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 Tenants 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 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 September 14, 2021 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 2, 2021**  
**Date Issued**



Laura Hartsliel  
Member, Landlord and Tenant Board

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 March 14, 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: SWL-51039-21**

**A. Amount the Tenants must pay if the tenancy is terminated:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears: (up to the termination date in the Notice of Termination)	January 1, 2021 to March 28, 2021	\$2,223.14
Less the amount the Tenants paid to the Landlord		-\$5,465.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 29, 2021 to September 2, 2021	\$3,978.44
Amount owing to the Landlord on the order date:(total of previous boxes)		<b>\$736.58</b>
Additional costs the Tenants must pay to the Landlord:		\$201.00
Plus daily compensation owing for each day of occupation starting September 3, 2021:		\$25.18 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$937.58, + \$25.18 per day starting September 3, 2021</b>

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	January 1, 2021 to September 30, 2021	\$6,880.00
Less the amount the Tenants paid to the Landlord		-\$5,465.00
Additional costs the Tenants must pay to the Landlord:		\$201.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before September 13, 2021	<b>\$1,616.00</b>

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