



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-24075-21

In the matter of: 753 COLBORNE STREET E
BRANTFORD ON N3S3S2

Between: Bruno Artenosi Landlords
Lisa Alonzi

and

David Szabo Tenants
Summer Ford

Bruno Artenosi and Lisa Alonzi (the 'Landlords') applied for an order to terminate the tenancy and evict Summer Ford and David Szabo (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on October 12, 2021. Only the Landlord's Legal Representative, Madii Maxworth, attended the hearing. As of 2:33 p.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from August 1, 2021 to October 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective August 21, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$1,950.00.
4. The Tenants have made no payments since the application was filed.
5. The Landlords collected a rent deposit of \$1,950.00 from the Tenants and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenants for the period from November 1, 2019 to August 21, 2021.

7. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenant, 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 Tenant voids the order as set out below, the tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before December 5, 2021.
2. The Tenants shall pay to the Landlords \$5,442.18*, which represents the amount of rent owing and compensation up to November 24, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$64.11 per day for compensation for the use of the unit starting November 25, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing* on or before December 5, 2021, the Tenants will start to owe interest. This will be simple interest calculated from December 6, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 5, 2021, then starting December 6, 2021, the Landlords 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 Landlords, on or after December 6, 2021.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlords or to the Board in trust:
 - i) \$7,986.00 if the payment is made on or before November 30, 2021, or
 - ii) \$9,936.00 if the payment is made on or before December 5, 2021**.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlords 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 December 6, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.



Greg Brocanier
Member, Landlord and Tenant Board

November 24, 2021
Date Issued

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 June 6, 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**

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2021 CanLII 147455 (ON LTB)

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)	August 1, 2021 to August 21, 2021	\$1,346.30
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	August 22, 2021 to November 24, 2021	\$6,090.45
Less the rent deposit:		-\$1,950.00
Less the interest owing on the rent deposit:	November 1, 2019 to August 21, 2021	-\$44.57
Amount owing to the Landlords on the order date:(total of previous boxes)		\$5,442.18
Additional costs the Tenants must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting November 25, 2021:		\$64.11 (per day)

Total the Tenants must pay the Landlords if the tenancy is terminated:	\$5,628.18, + \$64.11 per day starting November 25, 2021
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B. Amount the Tenants must pay to void the eviction order and continue the tenancy:

1. If the payment is made on or before November 30, 2021:

Reasons for amount owing	Period	Amount
Arrears:	August 1, 2021 to November 30, 2021	\$7,800.00
Additional costs the Tenants must pay to the Landlords:		\$186.00

Total the Tenants must pay to continue the tenancy:	On or before November 30, 2021	\$7,986.00
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2. If the payment is made after November 30, 2021 but on or before December 5, 2021:

Reasons for amount owing	Period	Amount
Arrears:	August 1, 2021 to December 31, 2021	\$9,750.00
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before December 5, 2021	\$9,936.00