



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

**File Number:** CEL-96569-20

**In the matter of:** 2, 207 QUEEN STREET  
MIDLAND ON L4R3G8

**Between:** Brennan & Associates Landlord

**and**

Justin Bourgeois-beek Tenants  
Michael Kendall-young

Brennan & Associates (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Kendall-young and Justin Bourgeois-beek (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard via videoconference on May 3, 2021 at 1:00 p.m.

Only the Landlord attended the hearing. The Tenants were not present or represented at the hearing though being properly served with the Notice of Hearing by the Board.

The hearing proceeded without the Tenant at 4:25 p.m.

**Determinations:**

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from September 1, 2020 to May 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective September 28, 2020.
2. The Tenants were in possession of the rental unit when the application was filed.
3. The monthly rent is \$1,375.00
4. The Landlord collected a rent deposit of \$1,375.00 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 January 31, 2020 to September 28, 2020.

6. 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. The Tenants did not attend the hearing to present evidence or submissions in support of granting relief from eviction and no circumstances were disclosed at the hearing or appeared in the Board file.

**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 August 10, 2021.
2. The Tenants shall pay to the Landlord \$13,659.74\*, which represents the amount of rent owing and compensation up to July 30, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$45.21 per day for compensation for the use of the unit starting July 31, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing\* on or before August 10, 2021, the Tenants will start to owe interest. This will be simple interest calculated from August 11, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 10, 2021, then starting August 11, 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 August 11, 2021.
8. 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) \$14,551.00 if the payment is made on or before July 31, 2021,  
  
or
  - ii) \$15,926.00 if the payment is made on or before August 10, 2021\*\*.

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 August 11, 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.

**July 30, 2021**  
**Date Issued**



Peter Pavlovic  
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 February 11, 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: CEL-96569-20**

2021 CanLII 102951 (ON LTB)

**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)	September 1, 2020 to September 28, 2020	\$1,265.75
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	September 29, 2020 to July 30, 2021	\$13,789.05
Less the rent deposit:		-\$1,375.00
Less the interest owing on the rent deposit:	January 31, 2020 to September 28, 2020	-\$20.06
<b>Amount owing to the Landlord on the order date:</b> (total of previous boxes)		<b>\$13,659.74</b>
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting July 31, 2021:		\$45.21 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$13,845.74, + \$45.21 per day starting July 31, 2021</b>

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

**1. If the payment is made on or before July 31, 2021:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	September 1, 2020 to July 31, 2021	\$14,365.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before July 31, 2021	<b>\$14,551.00</b>

2. If the payment is made after July 31, 2021 but on or before August 10, 2021:

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	September 1, 2020 to August 31, 2021	\$15,740.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before August 10, 2021	\$15,926.00