



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-47177-20

In the matter of: 5, 757 TALBOT STREET
ST THOMAS ON N5P1E3

Between: Wallis Residential Homes Landlord

and

Murray Clarke Tenant

Wallis Residential Homes (the 'Landlord') applied for an order to terminate the tenancy and evict Murray Clarke (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed NSF cheque charges and related administration charges.

This application was heard by video conference on June 17, 2021 at 9:00 a.m. The Landlord's Agent, Allison Wilton, attended the hearing. As of 11:00 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from September 1, 2020 to June 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective October 30, 2020.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$475.00.
4. The Landlord is not holding a last month's rent deposit.
5. The Tenant has made no payments since the application was filed.
6. The Landlord incurred charges of \$14.00 for cheques tendered by or on behalf of the Tenant, which were returned NSF and \$40.00 for related administration charges.
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 Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before July 11, 2021.
2. The Tenant shall pay to the Landlord \$4,793.15*, which represents the amount of rent owing and compensation up to June 30, 2021 and the total charges related to NSF cheques tendered to the Landlord by or on behalf of the Tenant.
3. The Tenant shall also pay to the Landlord \$15.62 per day for compensation for the use of the unit starting July 1, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before July 11, 2021, the Tenant will start to owe interest. This will be simple interest calculated from July 12, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 11, 2021, then starting July 12, 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 July 12, 2021.
8. If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlord or to the Board in trust:
 - i) \$4,990.00 if the payment is made on or before June 30, 2021, or
 - ii) \$5,465.00 if the payment is made on or before July 11, 2021**.If the Tenant does 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 Tenant 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 July 12, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

June 30, 2021
Date Issued



Dawn Sullivan
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 January 12, 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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A. Amount the Tenant must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	September 1, 2020 to October 30, 2020	\$943.49
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	October 31, 2020 to June 30, 2021	\$3,795.66
NSF cheque charges:		\$14.00
Administration charges related to NSF cheque charges:		\$40.00
Amount owing to the Landlord on the order date: (total of previous boxes)		\$4,793.15
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting July 1, 2021:		\$15.62 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$4,979.15, + \$15.62 per day starting July 1, 2021

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

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

Reasons for amount owing	Period	Amount
Arrears:	September 1, 2020 to June 30, 2021	\$4,750.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
NSF cheque charges:		\$14.00
Administration charges related to NSF cheque charges:		\$40.00
Total the Tenant must pay to continue the tenancy:	On or before June 30, 2021	\$4,990.00

2021 CanLII 97283 (ON LTB)

2. If the payment is made after June 30, 2021 but on or before July 11, 2021:

Reasons for amount owing	Period	Amount
Arrears:	September 1, 2020 to July 31, 2021	\$5,225.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
NSF cheque charges:		\$14.00
Administration charges related to NSF cheque charges:		\$40.00
Total the Tenant must pay to continue the tenancy:	On or before July 11, 2021	\$5,465.00