



Order under Section 69
Residential Tenancies Act, 2006

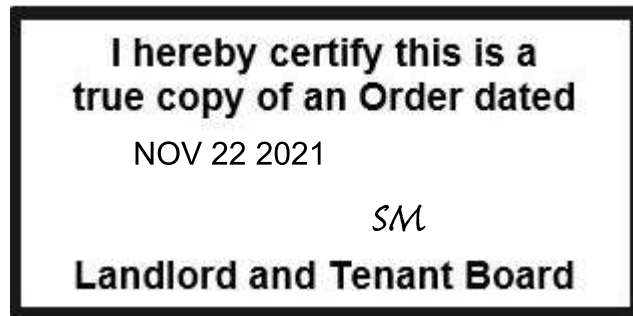
File Number: SOL-23682-21

In the matter of: 5, 266 PARK AVENUE
BRANTFORD ON N3S5K9

Between: Dan Allison

and

Joseph Schwindt



Landlord

Tenant

Dan Allison (the 'Landlord') applied for an order to terminate the tenancy and evict Joseph Schwindt (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on November 9, 2021. Only the Landlord's Legal Representative Jordan Nieuwhof, attended the hearing. As of 4:25 p.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 January 1, 2021 to November 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective August 2, 2021.
2. The application is amended to reflect the rent for August 2021 as unpaid at the time the application was filed.
3. The Tenant is in possession of the rental unit.
4. The lawful monthly rent is \$500.00.
5. The Landlord is not holding a last month's rent deposit.
6. The Tenant has made no payments since the application was filed.
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 December 3, 2021.
2. The Tenant shall pay to the Landlord \$5,341.28*, which represents the amount of rent owing and compensation up to November 22, 2021.
3. The Tenant shall also pay to the Landlord \$16.44 per day for compensation for the use of the unit starting November 23, 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 December 3, 2021, the Tenant will start to owe interest. This will be simple interest calculated from December 4, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 3, 2021, then starting December 4, 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 December 4, 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) \$5,686.00 if the payment is made on or before November 30, 2021, or
 - ii) \$6,186.00 if the payment is made on or before December 3, 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 December 4, 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.

November 22, 2021
Date Issued


Ian Speers
Vice Chair, Landlord and Tenant Board

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 4, 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: SOL-23682-21

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) | January 1, 2021 to August 2, 2021 | \$3,500.00 |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | August 3, 2021 to November 22, 2021 | \$1,841.28 |
| Amount owing to the Landlord on the order date: (total of previous boxes) | | \$5,341.28 |
| Additional costs the Tenant must pay to the Landlord: | | \$186.00 |
| Plus daily compensation owing for each day of occupation starting November 23, 2021: | | \$16.44 (per day) |
| Total the Tenant must pay the Landlord if the tenancy is terminated: | | \$5,527.28, + \$16.44 per day starting November 23, 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 November 30, 2021:

| Reasons for amount owing | Period | Amount |
|---|--------------------------------------|-------------------|
| Arrears: | January 1, 2021 to November 30, 2021 | \$5,500.00 |
| Additional costs the Tenant must pay to the Landlord: | | \$186.00 |
| Total the Tenant must pay to continue the tenancy: | On or before November 30, 2021 | \$5,686.00 |

2. If the payment is made after November 30, 2021 but on or before December 3, 2021:

| Reasons for amount owing | Period | Amount |
|---|--------------------------------------|---------------|
| Arrears: | January 1, 2021 to December 31, 2021 | \$6,000.00 |
| Additional costs the Tenant must pay to the Landlord: | | \$186.00 |
| Total the Tenant must pay to continue the tenancy: | On or before December 3, 2021 | \$6,186.00 |