



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

**File Number:** SOL-19799-21

**In the matter of:** C12, 6147 PROSPECT STREET  
NIAGARA FALLS ON L2G1G9

**Between:** Niagara Falls Non Profit Housing Corp. Landlord

**and**

Alona Dechilla Tenant

Niagara Falls Non Profit Housing Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Alona Dechilla (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on July 6, 2021 at 1:00 p.m.

The Landlord's Legal Representative, Joseph Tonnos and the Tenant attended the hearing.

**Determinations:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from November 1, 2020 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$1,350.00.
4. The Tenant paid \$427.00 after the application was filed.
5. As of the hearing date, the Tenant owed the Landlord, \$10,626.00 including arrears of rent to July 31, 2021 of \$20,440.00 and the application fee of \$186.00. Since the hearing, another three rental periods have begun, and three more month's rent have become due. Therefore, the amount in this order includes August 2021, September 2021 and October 2021's rent. If the Tenant has paid the Landlord August 2021, September 2021, and October 2021's rent, and /or made any payments to the Landlord since the hearing, the Landlord shall deduct those payments from the amount owing in this order.
6. 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. The Tenant did not 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. The Tenant did not 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. At the hearing, the Landlord's Legal Representative was amenable to extending the eviction date to August 31, 2021. As this order is being issued on October 12, 2021, this extension has effectively already been granted.

**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 October 23, 2021.
2. The Tenant shall pay to the Landlord \$13,719.88\*, which represents the amount of rent owing and compensation up to October 12, 2021.
3. The Tenant shall also pay to the Landlord \$44.38 per day for compensation for the use of the unit starting October 13, 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 October 23, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 24, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 23, 2021, then starting October 24, 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 October 24, 2021.
8. If, on or before October 23, 2021, the Tenant pays the amount of \$14,676.00\*\* 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 Tenant 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 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 October 24, 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.



Peter Pavlovic  
Member, Landlord and Tenant Board

**October 12, 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 April 24, 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-19799-21

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	November 1, 2020 to February 28, 2021	\$4,117.00
Less the amount the Tenant paid to the Landlord		-\$427.00
Plus compensation	March 1, 2021 to October 12, 2021	\$10,029.88
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$13,719.88</b>
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 13, 2021:		\$44.38 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$13,905.88, + \$44.38 per day starting October 13, 2021</b>

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	November 1, 2020 to October 31, 2021	\$14,917.00
Less the amount the Tenant paid to the Landlord		-\$427.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before October 23, 2021	\$14,676.00