



Order under Section 69
Residential Tenancies Act, 2006

File Number: TNL-31376-21

In the matter of: BASEMENT, 22 CHELMSFORD AVENUE W
NORTH YORK ON M2R3W6

Between: Yuan Tai Shek Landlords
Yuan Fung Wilson Shek

and

Ancil Smith Tenant

Yuan Tai Shek and Yuan Fung Wilson Shek (the 'Landlords') applied for an order to terminate the tenancy and evict Ancil Smith (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on July 19, 2021. Only the Landlord Yuan Fung Wilson Shek and their Agent Yuan Tai Tyler Shek, attended the hearing. As of 2:52 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

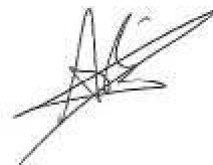
1. The Tenant has not paid the total rent the Tenant was required to pay for the period from March 1, 2021 to July 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective March 16, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$750.00.
4. The Landlords collected a rent deposit of \$750.00 from the Tenant and this deposit is still being held by the Landlords.
5. Interest on the rent deposit is owing to the Tenant for the period from August 22, 2019 to March 16, 2021.
6. The Tenant paid \$1,875.00 after 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 Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before August 27, 2021.
2. The Tenant shall pay to the Landlords \$1,500.53*, which represents the amount of rent owing and compensation up to August 16, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenant shall also pay to the Landlords \$24.66 per day for compensation for the use of the unit starting August 17, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing* on or before August 27, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 28, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 27, 2021, then starting August 28, 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 August 28, 2021.
8. If, on or before August 27, 2021, the Tenant pays the amount of \$2,786.00** to the Landlords 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 Landlords 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 August 28, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

August 16, 2021
Date Issued



Alex Brkic
Member, Landlord and Tenant Board

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

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 28, 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 121486 (ON LTB)

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) | March 1, 2021 to March 16, 2021 | \$369.52 |
| Less the amount the Tenant paid to the Landlords | | -\$1,875.00 |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | March 17, 2021 to August 16, 2021 | \$3,772.98 |
| Less the rent deposit: | | -\$750.00 |
| Less the interest owing on the rent deposit: | August 22, 2019 to March 16, 2021 | -\$16.97 |
| Amount owing to the Landlords on the order date: (total of previous boxes) | | \$1,500.53 |
| Additional costs the Tenant must pay to the Landlords: | | \$186.00 |
| Plus daily compensation owing for each day of occupation starting August 17, 2021: | | \$24.66 (per day) |
| Total the Tenant must pay the Landlords if the tenancy is terminated: | | \$1,686.53, + \$24.66 per day starting August 17, 2021 |

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

| Reasons for amount owing | Period | Amount |
|---|----------------------------------|-------------------|
| Arrears: | March 1, 2021 to August 31, 2021 | \$4,475.00 |
| Less the amount the Tenant paid to the Landlords | | -\$1,875.00 |
| Additional costs the Tenant must pay to the Landlords: | | \$186.00 |
| Total the Tenant must pay to continue the tenancy: | On or before August 27, 2021 | \$2,786.00 |