



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-51258-21

In the matter of: 1, 341 VICTORIA STREET N
KITCHENER ON N2H5E3

Between: Pete Cressman Landlords
Ann Tambur

and

Siriphone Chanthaving Tenant

Pete Cressman and Ann Tambur (the 'Landlords') applied for an order to terminate the tenancy and evict Siriphone Chanthaving (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard in Passcode: 947 6020 6033# on August 12, 2021. Only the Landlord's representative Timothy Ellis attended the hearing.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from April 1, 2021 to August 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective April 28, 2021.
2. The Tenant paid \$1,220.00 after the application was filed.
3. The Landlords and the Tenant had entered into a payment arrangement. The Tenant failed to comply with the terms and as a result the Landlords filed this application.
4. 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.

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 30, 2021.

2. The Tenant shall pay to the Landlords \$1,561.82*, which represents the amount of rent owing and compensation up to August 19, 2021.
3. The Tenant shall also pay to the Landlords \$19.73 per day for compensation for the use of the unit starting August 20, 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 30, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 31, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 30, 2021, then starting August 31, 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 31, 2021.
8. If, on or before August 30, 2021, the Tenant pays the amount of \$1,966.00** 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 31, 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.



Greg Joy
Member, Landlord and Tenant Board

August 19, 2021
Date Issued

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 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**

File Number: SWL-51258-21

2021 CanLII 120630 (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)	April 1, 2021 to April 28, 2021	\$552.33
Less the amount the Tenant paid to the Landlords		-\$1,220.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	April 29, 2021 to August 19, 2021	\$2,229.49
Amount owing to the Landlords on the order date: (total of previous boxes)		\$1,561.82
Additional costs the Tenant must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting August 20, 2021:		\$19.73 (per day)
Total the Tenant must pay the Landlords if the tenancy is terminated:		\$1,747.82, + \$19.73 per day starting August 20, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2021 to August 31, 2021	\$3,000.00
Less the amount the Tenant paid to the Landlords		-\$1,220.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before August 30, 2021	\$1,966.00