



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-22675-21

In the matter of: UNIT 8, 632 BARTON STREET E
HAMILTON ON L8L2Z9

Between: Salvatore Caruso Landlord

and

Lisa Warner Tenants
The Estate of Sherman Warner

Salvatore Caruso (the 'Landlord') applied for an order to terminate the tenancy and evict Lisa Warner and The Estate of Sherman Warner (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on December 14, 2021. Only the Landlord attended the hearing. As of 9:48 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

The application is amended to reflect the change in the name of the second Tenant.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from May 1, 2021 to December 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective June 26, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful weekly rent is \$300.00.
4. The Tenants paid \$540.00 after the application was filed.
5. The Landlord's attempts at negotiating a repayment agreement were unsuccessful.
6. The Landlord informed the Tenant about the hearing.
7. The Landlord is not holding a last month's rent deposit.
8. 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 amount outstanding is substantial, and the Tenants have not paid any rent since the application was filed.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before January 15, 2022.
2. The Tenants shall pay to the Landlord \$8,690.96*, which represents the amount of rent owing and compensation up to January 4, 2022.
3. The Tenants shall also pay to the Landlord \$42.74 per day for compensation for the use of the unit starting January 5, 2022 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before January 15, 2022, the Tenants will start to owe interest. This will be simple interest calculated from January 16, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 15, 2022, then starting January 16, 2022, 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 January 16, 2022.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust:
 - i) \$9,576.00 if the payment is made on or before January 8, 2022, or
 - ii) \$9,876.00 if the payment is made on or before January 15, 2022**.If the Tenants do 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 Tenants 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 January 16, 2022 but before the Sheriff gives vacant possession to the Landlord. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

January 4, 2022
Date Issued



Jitewa Edu
Member, 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 August 2, 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 Tenants must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears	May 22, 2021 to January 4, 2022	\$9,500.96
Less the amount the Tenants paid to the Landlord		-\$540.00
Amount owing to the Landlord on the order date: (total of previous boxes)		\$8,690.96
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting January 5, 2022:		\$42.74 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$9,146.96, + \$42.74 per day starting January 5, 2022

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

1. If the payment is made on or before January 8, 2022:

Reasons for amount owing	Period	Amount
Arrears:	May 2, 2021 to January 14, 2022	\$9,930.00
Less the amount the Tenants paid to the Landlord:		-\$540.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before January 8, 2022	\$9,576.00

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2. If the payment is made after January 8, 2022 but on or before January 15, 2022:

Reasons for amount owing	Period	Amount
Arrears:	May 1, 2021 to January 21, 2022	\$10,230.00
Less the amount the Tenants paid to the Landlord:		-\$540.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before January 15, 2022	\$9,876.00