

Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-19604-21

In the matter of: 1, 3639 EMPEY ROAD ROAD
WALLENSTEIN ON N0B2S0

Between: Matthew Martin Landlord

and

Callie Warner Tenants
Devin Wagler

Matthew Martin (the 'Landlord') applied for an order to terminate the tenancy and evict Devin Wagler and Callie Warner (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. **This is the L1 application.**

Matthew Martin (the 'Landlord') also applied for an order to terminate the tenancy and evict Devin Wagler and Callie Warner (the 'Tenants') because they, another occupant of the rental unit or someone they permitted in the residential complex have wilfully or negligently caused undue damage to the premises. The Landlords has also applied for an order requiring the Tenants to compensate the Landlords for the damage; and because they, another occupant of the rental unit or someone they permitted in the residential complex have wilfully caused undue damage to the premises. **This is the L2 application.**

These applications were scheduled by videoconference on July 28, 2021 at 9:00am.

Only the Landlord attended the hearing when the matter was brought forward at 12:10pm.

Also in attendance was the Landlord's witness, Carl Gilbert.

Determinations:

L2 APPLICATION

1. At the hearing, the Landlord requested the consent of the Board to withdraw their L2 application.
2. In accordance with subsection 200(4) of the Act, I consent to the withdrawal of the application.

L1 APPLICATION

3. The Tenants have not paid the total rent the Tenants were required to pay for the period from November 1, 2020 to July 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective December 11, 2020.
4. The Tenants were in possession of the rental unit.
5. The lawful monthly rent was \$1,900.00.
6. The Landlord's uncontested evidence was the Tenants vacated the rental unit on February 18, 2021. As such, the request for eviction under this application is no longer necessary.
7. The Tenants made no payments since the application was filed.
8. The Landlord is not holding a last month's rent deposit.
9. The arrears and costs owing to February 18, 2021 total \$6,198.55.
10. An order shall issue accordingly.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of February 18, 2021.
2. The Tenants shall pay to the Landlords \$5,997.55*, which represents the amount of rent owing and compensation up to February 18, 2021.
3. The Tenants shall also pay to the Landlords \$201.00 for the cost of filing the application.
4. The total amount owing under this order is \$6,198.55.
5. If the Tenants do not pay the Landlords the full amount owing* on or before September 26, 2021, the Tenants will start to owe interest. This will be simple interest calculated from September 27, 2021 at 2.00% annually on the balance outstanding.



Sonia Anwar-Ali
Member, Landlord and Tenant Board

September 15, 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.

* Refer to section A 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: (up to the termination date in the Notice of Termination) | November 1, 2020 to December 11, 2020 | \$1,687.12 |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | December 12, 2020 to February 18, 2021 | \$4,310.43 |
| Amount owing to the Landlords on the order date: (total of previous boxes) | | \$5,997.55 |
| Additional costs the Tenants must pay to the Landlords: | | \$201.00 |
| Total the Tenants must pay the Landlords if the tenancy is terminated: | | \$6,198.55 |

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