



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-52922-21

In the matter of: 1311, 1666 OUELLETTE AVENUE
WINDSOR ON N8X4V2

Between: Ira Udaskin
Marine City Apartments

Landlords

and

Jacqueline Wallace

Tenant

Ira Udaskin and Marine City Apartments (the 'Landlords') applied for an order to terminate the tenancy and evict Jacqueline Wallace (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on September 9, 2021. Only the Landlord, Ira Udaskin, attended the hearing. As of 11:46 a.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 August 1, 2020 to September 30, 2021. Because of the arrears, the Landlords served a Notice of Termination effective August 17, 2020.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$1,000.00.
4. The Tenant has made no payments since the application was filed.
5. The Landlords collected a rent deposit of \$1,000.00 from the Tenant and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenant for the period from May 1, 2020 to August 17, 2020.

7. 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. The Tenants did not attend the hearing to 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.

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 November 23, 2021.
2. The Tenant shall pay to the Landlords \$13,414.09*, which represents the amount of rent owing and compensation up to November 12, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenant shall also pay to the Landlords \$32.88 per day for compensation for the use of the unit starting November 13, 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 November 23, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 24, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before November 23, 2021, then starting November 24, 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 November 24, 2021.
8. If, on or before November 23, 2021, the Tenant pays the amount of \$15,086.00** 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 November 24, 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.

November 12, 2021
Date Issued



Peter Pavlovic
Member, Landlord and Tenant Board

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 May 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**

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2021 CanLII 146445 (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)	August 1, 2020 to August 17, 2020	-\$441.10
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	August 18, 2020 to November 12, 2021	\$14,861.76
Less the rent deposit:		-\$1,000.00
Less the interest owing on the rent deposit:	May 1, 2020 to August 17, 2020	-\$6.57
Amount owing to the Landlords on the order date:(total of previous boxes)		\$13,414.09
Additional costs the Tenant must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting November 13, 2021:		\$32.88 (per day)
Total the Tenant must pay the Landlords if the tenancy is terminated:		\$13,600.09, + \$32.88 per day starting November 13, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	August 1, 2020 to November 30, 2021	\$14,900.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before November 23, 2021	\$15,086.00