



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-45506-20

In the matter of: 1204, 920 OUELLETTE AVENUE
WINDSOR ON N9A1C8

Between: Windsor Essex Community Housing Corporation Landlord

and

Ikaj Yousif Tenant

Windsor Essex Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Ikaj Yousif (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by way of a video conference on May 10, 2021. The Landlord's Legal Representative, Cameron Parrott, attended the hearing on behalf of the Landlord. An interpreter was also in attendance to assist the Tenant. As of 1:28 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 February 1, 2020 to May 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective August 26, 2020.
2. The Tenant is in possession of the rental unit.
3. The current monthly rent is \$576.00.
4. The Tenant has paid a total of \$690.00 to the Landlord after the application was filed.
5. The Tenant has not complied with the interim order SWL-45506-20-IN, dated March 2, 2021, as the Tenant has not paid the lawful monthly rent owing for April 2021 and May 2021.
6. There have not been meaningful discussions between the parties to resolve this application by way of an agreement. The Landlord has attempted to call the Tenant at the telephone number that the Landlord was provided with, but these attempts have been unsuccessful.

7. I have considered all of the disclosed circumstances in accordance with subsection 83 of the Act, including the impact of the COVID-19 pandemic upon the parties and whether the Landlord attempted to negotiate a payment plan regarding the outstanding arrears, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The arrears of rent are considerable and growing, and the Tenant has not complied with an earlier interim order issued by the Board. As such, it would not be reasonable to postpone this eviction any further.
8. On April 8, 2021, there was a change in the regulations made under the *Emergency Management and Civil Protection Act* regarding the enforcement of Board eviction orders. The regulations now state that the Court Enforcement Office (Sheriff) cannot enforce Board eviction orders in regions where there is currently a stay-at-home order in effect, unless the order requests that the Sheriff expedite enforcement. Eviction orders that cannot currently be enforced may be filed with the Sheriff at any time; however, they will not be enforced until after the stay-at-home order is lifted. Further information is available on the Board's website.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 24, 2021.
2. The Tenant shall pay to the Landlord \$4,340.18*, which represents the amount of rent owing and compensation up to May 13, 2021.
3. The Tenant shall also pay to the Landlord \$18.94 per day for compensation for the use of the unit starting May 14, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before May 24, 2021, the Tenant will start to owe interest. This will be simple interest calculated from May 25, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before May 24, 2021, then starting May 25, 2021, 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 May 25, 2021.
8. If, on or before May 24, 2021, the Tenant pays the amount of \$5,024.00** to the Landlord 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 Landlord 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 May 25, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

May 13, 2021
Date Issued



Arnab Quadry
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 November 25, 2021 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-45506-20

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)	February 1, 2020 to August 26, 2020	\$788.30
Less the amount the Tenant paid to the Landlord		-\$690.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	August 27, 2020 to May 13, 2021	\$4,241.88
Amount owing to the Landlord on the order date:(total of previous boxes)		\$4,340.18
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting May 14, 2021:		\$18.94 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$4,526.18 + \$18.94 per day starting May 14, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2020 to May 31, 2021	\$5,528.00
Less the amount the Tenant paid to the Landlord		-\$690.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before May 24, 2021	\$5,024.00