



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-43121-20

In the matter of: 62 REDAN STREET
ST. THOMAS ON N5P1T7

Between: Harry Alway Landlord

and

Terry Fenning Tenant

Harry Alway (the 'Landlord') applied for an order to terminate the tenancy and evict Terry Fenning (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by way of a video conference hearing on April 12, 2021. The Landlord's Legal Representative, S. Pereira, attended the hearing on behalf of the Landlord. As of 1:16 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 is in possession of the rental unit.
2. The current monthly rent is \$575.00.
3. The Tenant has been persistently late in paying the monthly rent to the Landlord.
4. This is a monthly tenancy. The lawful monthly rent is due on the first day of every month. The Tenant has paid the rent late every month for the twelve months prior to the date of the hearing.
5. As such, I am satisfied the Tenant has been persistently late paying the rent.
6. 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 not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

It is ordered that:

1. On or before May 31, 2021, the Tenant shall pay the Landlord \$1,955.00, which represents the outstanding balance of the rent arrears owed by the Tenant.
2. Any payments made by the Tenant to the Landlord since the date of the hearing shall be deducted from the overall amount in paragraph 1.
3. Starting on June 1, 2021, and continuing through May 31, 2022, the Tenant shall pay the monthly rent on or before the first day of each month.
4. If the Tenant fails to make any one of the payments in accordance with paragraphs 1 and 3 of this order, the Landlord may, within 30 days of the breach and without notice to the Tenant, apply to the Board under section 78 of the Act for an order terminating the tenancy and evicting the Tenant.
5. The Tenant shall pay to the Landlord \$175.00 for the cost of filing the application.
6. If the Tenant does not pay the Landlord the full amount owing on or before May 31, 2021, the Tenant will start to owe interest. This will be simple interest calculated from June 1, 2021 at 2.00% annually on the balance outstanding.

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.