



Order under Section 69  
**Residential Tenancies Act, 2006**

**File Number:** EAL-87876-19

**In the matter of:** 1114 DALY AVENUE  
CORNWALL ON K6J4V8

**Between:** Wali Shearзад Landlord

**and**

Alyssa Tompkins  
Brandon Clark  
Kurstie Froats  
Kurtis Clark

Tenants

I hereby certify this is a  
true copy of an Order dated

**Jan 13, 2021**

Landlord and Tenant Board

Wali Shearзад (the 'Landlord') applied for an order to terminate the tenancy and evict Kurtis Clark, Kurstie Froats, Alyssa Tompkins and Brandon Clark (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by video conference on December 2, 2020.

The Landlord and the Tenants Kurtis Clark, Kurstie Froats attended the hearing. The Tenants spoke with Duty Counsel prior to the hearing.

The parties mutually agreed to resolve the matters at issue in the application and requested an order on consent. The Board was satisfied that the parties understood the consequences of the joint submission.

**At the hearing, the parties agreed:**


1. The Tenants have not paid the total rent the Tenants were required to pay for the period from October 1, 2019 to December 31, 2020. Because of the arrears, the Landlord served a Notice of Termination effective December 20, 2019.
2. The Tenants are in possession of the rental unit.
3. The monthly rent is \$1,650.00.
4. The Landlord is not holding a last month's rent deposit.
5. The Tenants paid \$1,720.00 after the application was filed.

6. The Board has considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and finds that it would not be unfair to postpone the eviction until January 15, 2021 pursuant to subsection 83(1)(b) of the Act.
7. **Due to unanticipated delays the date for enforcement has been extended.**

**On consent, 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, 2021.
2. The Tenants shall pay to the Landlord \$20,487.43\*, which represents the amount of rent owing and compensation up to January 13, 2021.
3. The Tenants shall also pay to the Landlord \$54.25 per day for compensation for the use of the unit starting January 14, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$175.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing\* on or before January 24, 2021, the Tenants will start to owe interest. This will be simple interest calculated from January 25, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 15, 2021, then starting January 26, 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 January 26, 2021.
8. If, on or before January 15, 2021, the Tenants pay the amount of \$19,800.00\*\* 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 Tenants 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 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, 2021 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 13, 2021**  
**Date Issued**

  
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Elle Venhola  
Member, Landlord and Tenant Board

Eastern-RO  
255 Albert Street, 4th Floor  
Ottawa ON K1P6A9

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 July 16, 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: EAL-87876-19**

**A. Amount the Tenants must pay if the tenancy is terminated:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears: (up to the termination date in the Notice of Termination)	October 1, 2019 to December 20, 2019	\$1,049.93
Less the amount the Tenants paid to the Landlord		-\$1,720.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	December 21, 2019 to January 13, 2021	\$21,157.50
<b>Amount owing to the Landlord on the order date:</b> (total of previous boxes)		<b>\$20,487.43</b>
Additional costs the Tenants must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting January 14, 2021:		\$54.25 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$20,662.43, + \$54.25 per day starting January 14, 2021</b>

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	October 1, 2019 to January 31, 2021	\$21,345.00
Less the amount the Tenants paid to the Landlord		-\$1,720.00
Additional costs the Tenants must pay to the Landlord:		\$175.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before January 15, 2021	<b>\$19,800.00</b>