



Order under Section 69
Residential Tenancies Act, 2006

File Number: EAL-96206-21

In the matter of: 66 KINCARDINE STREET W
ALEXANDRIA ON K0C1A0

Between: Sandra MacKinnon Landlord

and

Amber Rosenberg Tenant

Sandra MacKinnon (the 'Landlord') applied for an order to terminate the tenancy and evict Amber Rosenberg (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by video conference on September 28, 2021 beginning at 1:00 p.m.

The Landlord's Legal Representative, Cassandra Weatherston, and the Tenant attended the hearing.

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 Landlord served a Notice of Termination effective June 16, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$1,150.00.
4. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
5. The Tenant has not paid any rent since the application was filed.
6. The rent arrears outstanding to September 30, 2021 total \$11,500.00.
7. The Landlord is not holding a rent deposit.
8. At the hearing, the Landlord's Legal Representative submitted that the Tenant has not paid the rent since August 2020 and that the Landlord had reached out to the Tenant

many times since the application was filed in order to resolve the matter of the outstanding rent. The Landlord's Legal Representative added that the Landlord had offered to help the Tenant with the arrears including payment plan options. Unfortunately, the Tenant did not respond to any of the Landlord's offers. As a result, the Landlord's Legal Representative requested a standard order from the Board.

9. The Tenant responded by submitting that she has paid the rent and that she has records of these payments being made. The Tenant stated that she would provide her proof of payment to the Board and the Landlord's Legal Representative as soon as possible.
10. The Landlord's Legal Representative disputed the Tenant's claim of rent being paid and submitted the Landlord's bank records to show that no payments have been received by the Landlord in this matter.
11. Having considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), I find that it would not be unfair to postpone the eviction until October 31, 2021 pursuant to subsection 83(1)(b) of the Act. This will allow the Tenant the time to prove to the Landlord that she has in fact paid the rent up-to-date or allow the Tenant the time to find another place to live.
12. This order contains all of the reasons in this matter and no further reasons will be issued.

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 **October 31, 2021**.
2. The Tenant shall pay to the Landlord **\$11,701.84***, which represents the amount of rent owing and compensation up to October 5, 2021.
3. The Tenant shall also pay to the Landlord **\$37.81** per day for compensation for the use of the unit starting October 6, 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 October 31, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 1, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 31, 2021, then starting November 1, 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 November 1, 2021.

8. If, on or before October 31, 2021, the Tenant pays the amount of **\$12,836.00**** 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 the Tenant pays the amount required under that subsection on or after November 1, 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.

October 5, 2021
Date Issued

Michael Di Salle
Michael Di Salle
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 May 1, 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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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 June 16, 2021 | \$7,504.93 |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | June 17, 2021 to October 5, 2021 | \$4,196.91 |
| Amount owing to the Landlord on the order date:(total of previous boxes) | | \$11,701.84 |
| Additional costs the Tenant must pay to the Landlord: | | \$186.00 |
| Plus daily compensation owing for each day of occupation starting October 6, 2021: | | \$37.81 (per day) |
| Total the Tenant must pay the Landlord if the tenancy is terminated: | | \$11,887.84, + \$37.81 per day starting October 6, 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 October 31, 2021 | \$12,650.00 |
| Additional costs the Tenant must pay to the Landlord: | | \$186.00 |
| Total the Tenant must pay to continue the tenancy: | On or before October 31, 2021 | \$12,836.00 |

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