

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

**File Number:** CEL-96760-20

**In the matter of:** A202, 135 ATHERLEY ROAD  
ORILLIA ON L3V1N4

**Between:** Starlight Canadian Residential Growth F Landlord

**and**

Marshall Mackinnon Tenant

Starlight Canadian Residential Growth F (the 'Landlord') applied for an order to terminate the tenancy and evict Marshall Mackinnon (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard via videoconference on May 31, 2021.

Only the Landlord's representative, Cathy Yang attended the hearing. As of 11:24 a.m. the Tenant was not present or represented at the hearing although properly served with the 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 June 1, 2020 to May 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective August 3, 2020.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$1647.22.
4. The Tenant has made no payment to the Landlord since the application was filed however the Landlord applied \$8.78 in interest on the Tenant's last month rent deposit towards arrears.
5. The Landlord collected a rent deposit of \$1,656.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit was paid up to December 31, 2020.

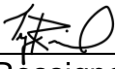
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlords attempted to negotiate a repayment agreement with the Tenants, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**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 June 18, 2021.
2. The Tenant shall pay to the Landlord \$18,593.04\*, which represents the amount of rent owing and compensation up to June 7, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$54.44 per day for compensation for the use of the unit starting June 8, 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 June 18, 2021, the Tenant will start to owe interest. This will be simple interest calculated from June 19, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before June 18, 2021, then starting June 19, 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 June 19, 2021.
8. If, on or before June 18, 2021, the Tenant pays the amount of \$21,661.32\*\* 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 June 19, 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.
10. This order terminates the tenancy and permits the Landlord to file the order with Court Enforcement Office (Sheriff) to evict the Tenant. However, as of the date this order was issued, the Sheriff cannot enforce this order as a result of Ontario Regulation 266/21

made under the *Emergency Management and Civil Protection Act* on April 8, 2021. The Tenant cannot be evicted from the rental unit while this regulation is in force. Eviction by the Sheriff may occur after the regulation is removed by the Ontario Government. Further information is available on the LTB's website.

**June 7, 2021**  
**Date Issued**

  
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Troy Rossignol  
Member, Landlord and Tenant Board

Central-RO  
3 Robert Speck Pkwy, 5th Floor  
Mississauga ON L4Z2G5

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 December 19, 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: CEL-96760-20

**A. Amount the Tenant 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)	June 1, 2020 to August 3, 2020	\$3,475.33
Less the amount the Tenant paid to the Landlord		-\$8.78
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	August 4, 2020 to June 7, 2021	\$16,767.52
Less the rent deposit:		-\$1,656.00
<b>Amount owing to the Landlord on the order date:</b> (total of previous boxes)		<b>\$18,578.07</b>
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting June 8, 2021:		\$54.44 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$18,764.07, + \$54.44 per day starting June 8, 2021</b>

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	June 1, 2020 to June 30, 2021	\$21,484.10
Less the amount the Tenant paid to the Landlord		-\$8.78
Additional costs the Tenant must pay to the Landlord:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before June 18, 2021	<b>\$21,661.32</b>