



Order under Section 69
Residential Tenancies Act, 2006

File Number: TEL-18069-21

In the matter of: 445 BAY STREET
PORT PERRY ON L9L1M7

Between: Tyler Renaud Landlords
Paul Brough

and

Amanda Campbell Tenants
Jaye Campbell

Tyler Renaud and Paul Brough (the 'Landlords') applied for an order to terminate the tenancy and evict Amanda Campbell and Jaye Campbell (the 'Tenants') because they have been persistently late in paying their rent. The Landlords also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on October 5, 2021 at 10:58am.

Only the Landlords' Representative V. Orlandi attended the hearing.

Determinations:

1. I find, on a balance of probabilities, that the Tenants have persistently failed to pay the rent on the date it was due.
2. The Landlords' application was filed in July 2021. For the 12 months leading up to the filing of the Landlords' application, rent has been paid late or not paid in full in 11 of those months.
3. The Landlords collected a rent deposit of \$1,200.00 from the Tenants and this deposit is still being held by the Landlords. Interest on the rent deposit is owing to the Tenants for the period from April 1, 2016 to September 30, 2021.
4. Section 83 requires that I consider all the circumstances, including the Tenants' and the Landlords' situations to determine if it would be appropriate to grant section 83 relief from eviction. 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 be unfair to postpone eviction or grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenant did not attend the hearing, and thus did not

provide any evidence that may be relevant to my determination under s. 83. The Landlord's representative noted that the Tenant is in possession of the rental unit, and that the Tenant's pattern of non-payment has continued following the filing of this application resulting in significant arrears of rent owing to the Landlord.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated, as of November 30, 2021. The Tenants must move out of the rental unit on or before November 30, 2021.
2. The Tenants shall pay to the Landlords \$604.13, which represents compensation for the use of the unit from October 1, 2021 to November 17, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$39.45 per day for compensation for the use of the unit from November 18, 2021 to the date they move out of the unit.
4. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing on or before November 28, 2021, they will start to owe interest. This will be simple interest calculated from November 29, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before November 30, 2021, then starting December 1, 2021, the Landlords 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 Landlords on or after December 1, 2021.



November 17, 2021
Date Issued

Peter Nicholson
Member, Landlord and Tenant Board

Toronto East-RO
2275 Midland Avenue, Unit 2
Toronto ON M1P3E7

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 June 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.