



Order under Section 69
Residential Tenancies Act, 2006

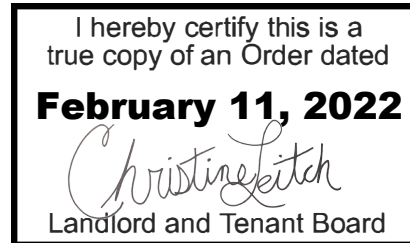
File Number: NOL-43493-21

In the matter of: 1023 MORGAN ROAD
CHELMSFORD ON P0M1L0

Between: Stephanie Doyle

and

Jay McGovern
Jayden Kidd



Landlord

Tenants

Stephanie Doyle (the 'Landlord') applied for an order to terminate the tenancy and evict Jayden Kidd and Jay McGovern (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on February 3, 2022. The Landlord, Landlord's Legal Representative, Connor MacKay, and the Tenant, Jayden Kidd on behalf of both Tenants, attended the hearing.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from May 15, 2021 to February 14, 2022. Because of the arrears, the Landlord served a Notice of Termination effective August 1, 2021.
2. The Tenants are in possession of the rental unit.
3. The monthly rent is \$1,800.00.
4. The Tenants have made no payments since the application was filed.
5. The Landlord collected a rent deposit of \$1,800.00 from the Tenants and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenants for the period from July 2, 2020 to August 1, 2021.
7. I have considered all of the disclosed circumstances in accordance with subsection 83 of the Residential Tenancies Act, 2006 (RTA), including the impact of COVID-19 on the parties and whether the Landlord 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 Tenants void 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 February 22, 2022.
2. The Tenants shall pay to the Landlord **\$13,320.51***, which represents the amount of rent owing and compensation up to February 11, 2022, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord **\$59.18** per day for compensation for the use of the unit starting February 12, 2022 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord **\$186.00** for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before February 22, 2022, the Tenants will start to owe interest. This will be simple interest calculated from February 23, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before February 22, 2022, then starting February 23, 2022, 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 February 23, 2022.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust:
 - i) **\$15,486.00** if the payment is made on or before February 14, 2022, or
 - ii) **\$17,286.00** if the payment is made on or before February 22, 2022**.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then 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 February 23, 2022 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.

February 11, 2022
Date Issued

Michael Di Salle

Michael Di Salle

Member, Landlord and Tenant Board

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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 August 23, 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**

File Number: NOL-43493-21

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

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	May 15, 2021 to August 1, 2021	\$5,077.14
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	August 2, 2021 to February 11, 2022	\$10,045.32
Less the rent deposit:		-\$1,800.00
Less the interest owing on the rent deposit:	July 2, 2020 to August 1, 2021	-\$1.95
Amount owing to the Landlord on the order date: (total of previous boxes)		\$13,320.51
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting February 12, 2022:		\$59.18 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$13,506.51, + \$59.18 per day starting February 12, 2022

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

1. If the payment is made on or before February 14, 2022:

Reasons for amount owing	Period	Amount
Arrears:	May 15, 2021 to February 14, 2022	\$15,300.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before February 14, 2022	\$15,486.00

2. If the payment is made after February 14, 2022 but on or before February 22, 2022:

Reasons for amount owing	Period	Amount
Arrears:	May 15, 2021 to March 14, 2022	\$17,100.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before February 22, 2022	\$17,286.00