



Order under Section 69
Residential Tenancies Act, 2006

File Number: EAL-95753-21

In the matter of: 236 SYDENHAM STREET
KINGSTON ON K7K3M5

Between: Sarah Locke Landlords
Gokhan Cifci

and

Kerri-Lynn Paul Tenants
William Leon Shane Emburgh

Sarah Locke and Gokhan Cifci (the 'Landlords') applied for an order to terminate the tenancy and evict William Leon Shane Emburgh and Kerri-Lynn Paul (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference July 13, 2021 at 9:00 a.m.

The Landlord's Legal Representative, Sarah McCarthy, and Tenant Kerri-Lynn Paul, representing William Leon Shane Emburgh, attended the hearing.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from March 1, 2021 to July 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective April 22, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$2,800.00.
4. The Tenants have made no payments since the application was filed.
5. The Landlords collected a rent deposit of \$2,800.00 from the Tenants and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenants for the period from September 4, 2020 to April 22, 2021.

7. As of the hearing date, the Tenant owed the Landlord, \$12,462.00 including arrears of rent to July 31, 2021 of \$12,276.00 and the application fee of \$186.00. Since the hearing, another three rental periods have begun, and three more month's rent have become due. Therefore, the amount in this order includes August 2021, September 2021 and October 2021's rent. If the Tenant has paid the Landlord August 2021, September 2021, and October 2021's rent, and /or made any payments to the Landlord since the hearing, the Landlord shall deduct those payments from the amount owing in this order.
8. 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 grant relief from eviction pursuant to subsection 83(1) of the Act. At the hearing the Tenant submitted that she has a special needs child and would require at 30 days to be able to find alternative accommodation. As this order is being issued on October 12, 2021 this extension has been effectively granted.

It is ordered that:

1. Unless the Tenants void the order as set out below, the tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 23, 2021.
2. The Tenants shall pay to the Landlords \$16,224.08*, which represents the amount of rent owing and compensation up to October 12, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$92.05 per day for compensation for the use of the unit starting October 13, 2021 to the date the Tenants 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 October 23, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 24, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 23, 2021, then starting October 24, 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 October 24, 2021.
8. If, on or before October 23, 2021, the Tenants pay the amount of \$20,862.00** to the Landlords 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 Landlords 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 October 24, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.



Peter Pavlovic
Member, Landlord and Tenant Board

October 12, 2021

Date Issued

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 April 24, 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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2021 CanLII 141534 (ON LTB)

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)	March 1, 2021 to April 22, 2021	\$3,101.21
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	April 23, 2021 to October 12, 2021	\$15,924.65
Less the rent deposit:		-\$2,800.00
Less the interest owing on the rent deposit:	September 4, 2020 to April 22, 2021	-\$1.78
Amount owing to the Landlords on the order date: (total of previous boxes)		\$16,224.08
Additional costs the Tenants must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting October 13, 2021:		\$92.05 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$16,410.08, + \$92.05 per day starting October 13, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	March 1, 2021 to October 31, 2021	\$20,676.00
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before October 23, 2021	\$20,862.00