



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-16759-20

In the matter of: 10, 2 ORIOLE CRESCENT
HAMILTON ON L8H6G8

Between: City Housing Hamilton Landlord

and

Laura Erie Tenant

City Housing Hamilton (the 'Landlord') applied for an order to terminate the tenancy and evict Laura Erie (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard via videoconference on March 9, 2021 at 1:30 p.m.

Only the Landlord, represented by Katherine Macintyre, a licensed Paralegal, attended the hearing.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from November 1, 2019 to March 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective February 29, 2020.
2. The Tenant was in possession of the rental unit when the application was filed.
3. The monthly rent is \$307.00
4. The Tenant paid \$5,598.00 after the application was filed.
5. As of the hearing date, the Tenant owed the Landlord, \$845.00 including arrears of rent to March 31, 2021 and the application fee of \$186.00. Since the hearing, another five rental periods have begun, and five more month's rent have become due. Therefore, the amount in this order includes April 2021, May 2021, June 2021, July 2021 and August 2021's rent. If the Tenant has paid the Landlord April 2021, May 2021, June 2021, July 2021, and August 2021's, and /or made any payments to the Landlord since the hearing, the Landlord shall deduct those payments from the amount owing in this order.

6. 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. Although the Tenant was unable to attend the hearing, however an agreement was made with and submitted by the Landlord to allow the Tenant to pay in full all outstanding arrears.

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 August 14, 2021.
2. The Tenant shall pay to the Landlord \$1,907.35*, which represents the amount of rent owing and compensation up to August 3, 2021.
3. The Tenant shall also pay to the Landlord \$10.09 per day for compensation for the use of the unit starting August 4, 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 August 14, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 15, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 14, 2021, then starting August 15, 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 August 15, 2021.
8. If, on or before August 14, 2021, the Tenant pays the amount of \$2,380.00** 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 they pay the amount required under that subsection on or after August 15, 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.

August 3, 2021
Date Issued



Peter Pavlovic
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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 February 15, 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: SOL-16759-20

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)	November 1, 2019 to January 1, 2021	\$5,346.09
Less the amount the Tenant paid to the Landlord		-\$5,598.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	January 2, 2021 to August 3, 2021	\$2,159.26
Amount owing to the Landlord on the order date: (total of previous boxes)		\$1,907.35
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting August 4, 2021:		\$10.09 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$2,093.35, + \$10.09 per day starting August 4, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	November 1, 2019 to August 31, 2021	\$7,792.00
Less the amount the Tenant paid to the Landlord		-\$5,598.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before August 14, 2021	\$2,380.00

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