



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-17605-20

In the matter of: 86 LANG STREET
HAMILTON ON L8H1M1

Between: CityHousing Hamilton

Landlord

and

Ada-Joy Mulder

Tenant

CityHousing Hamilton (the 'Landlord') applied for an order to terminate the tenancy and evict Ada-Joy Mulder (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard via videoconference on May 4, 2021.

The Landlord's legal representative, Katherine MacIntyre, attended the hearing. As of 9:52a.m., the Tenant was not present or represented before the Board despite being properly served with a notice of this hearing.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from August 1, 2020 to May 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective September 11, 2020.
2. The monthly rent is \$1,202.00.
3. The Tenant is in possession of the rental unit.
4. The Tenant paid \$1,590.00 after the application was filed.
5. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'). The Tenant lost her subsidy because she failed to submit her paperwork. The loss of the subsidy resulted in the outstanding arrears. The Landlord and the Tenant Support Worker have made multiple attempts to communicate with the Tenant to discuss the matter and obtain the paperwork so that they can resolve the issue of the arrears. However, the Tenant has been non-responsive despite the Landlord's attempts. As such, I 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 8, 2021.
2. The Tenant shall pay to the Landlord \$9,752.38*, which represents the amount of rent owing and compensation up to May 28, 2021.
3. The Tenant shall also pay to the Landlord \$39.52 per day for compensation for the use of the unit starting May 29, 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 8, 2021, the Tenant will start to owe interest. This will be simple interest calculated from June 9, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before June 8, 2021, then starting June 9, 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 9, 2021.
8. If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlord or to the Board in trust:
 - i) \$9,821.00 if the payment is made on or before May 31, 2021, or
 - ii) \$11,023.00 if the payment is made on or before June 8, 2021**.

If the Tenant does 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 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 9, 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 matter was heard, 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.

May 28, 2021
Date Issued



Tavlin Kaur
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 December 9, 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: SOL-17605-20

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)	August 1, 2020 to September 11, 2020	\$1,106.70
Less the amount the Tenant paid to the Landlord		-\$1,590.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	September 12, 2020 to May 28, 2021	\$10,235.68
Amount owing to the Landlord on the order date: (total of previous boxes)		\$9,752.38
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting May 29, 2021:		\$39.52 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$9,938.38, + \$39.52 per day starting May 29, 2021

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

1. If the payment is made on or before May 31, 2021:

Reasons for amount owing	Period	Amount
Arrears:	August 1, 2020 to May 31, 2021	\$11,225.00
Less the amount the Tenant paid to the Landlord:		-\$1,590.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before May 31, 2021	\$9,821.00

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2. If the payment is made after May 31, 2021 but on or before June 8, 2021:

Reasons for amount owing	Period	Amount
Arrears:	August 1, 2020 to June 30, 2021	\$12,427.00
Less the amount the Tenant paid to the Landlord:		-\$1,590.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before June 8, 2021	\$11,023.00