



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-17610-20

In the matter of: 3, 2 ORIOLE CRESCENT
HAMILTON ON L8H6G8

Between: CityHousing Hamilton

Landlord

and

Holly Lively

Tenant

CityHousing Hamilton (the 'Landlord') applied for an order to terminate the tenancy and evict Holly Lively (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 2:14p.m., the Tenant was not present or represented before the Board although she was 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 July 1, 2020 to May 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective October 14, 2020.
2. The monthly rent is \$307.00.
3. The Tenant is in possession of the rental unit.
4. The Tenant paid \$1,842.00 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'). On one hand, the Landlord has reached out to the Tenant regarding the arrears on multiple occasions and has advised the Tenant to speak to Ontario Works to cover the outstanding arrears. However, she has not been responsive. Moreover, there were no attempts on the part of the Landlord to negotiate a repayment plan as required by the Act.

6. On the other hand, the Tenant was not present before the Board to explain why relief from eviction should be granted. However, the Landlord's legal representative informed the Board that the Tenant is a single mom with four young children.
7. In light of the circumstances, I find that it would not be unfair to postpone the eviction until June 30, 2021 pursuant to subsection 83(1)(b) of the Act. This will provide the Tenant with additional time to address her outstanding arrears with the Landlord or Ontario Works and hopefully preserve her tenancy.

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 30, 2021.
2. The Tenant shall pay to the Landlord \$1,200.64*, which represents the amount of rent owing and compensation up to May 28, 2021.
3. The Tenant shall also pay to the Landlord \$10.09 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 30, 2021, then starting July 1, 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 July 1, 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) \$1,421.00 if the payment is made on or before May 31, 2021, or
 - ii) \$1,728.00 if the payment is made on or before June 30, 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 July 1, 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 January 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.

- * 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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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)	July 1, 2020 to October 14, 2020	\$762.30
Less the amount the Tenant paid to the Landlord		-\$1,842.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	October 15, 2020 to May 28, 2021	\$2,280.34
Amount owing to the Landlord on the order date: (total of previous boxes)		\$1,200.64
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting May 29, 2021:		\$10.09 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$1,386.64, + \$10.09 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:	July 1, 2020 to May 31, 2021	\$3,077.00
Less the amount the Tenant paid to the Landlord:		-\$1,842.00
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	\$1,421.00

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2. If the payment is made after May 31, 2021 but on or before June 30, 2021:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2020 to June 30, 2021	\$3,384.00
Less the amount the Tenant paid to the Landlord:		-\$1,842.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before June 30, 2021	\$1,728.00