



Order under Section 69
Residential Tenancies Act, 2006

File Number: TSL-17909-20

In the matter of: 2ND FL, 1249 COLLEGE STREET
TORONTO ON M6H1C3

Between: Alice Esteves Landlord

and

Amber Jordan Scantleb a.k.a Amber Jordan Tenants
Scantlebury
Fabio Faria

Alice Esteves (the 'Landlord') applied for an order to terminate the tenancy and evict Fabio Faria and Amber Jordan Scantleb a.k.a Amber Jordan Scantlebury (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 10, 2021 and April 14, 2021.

Only the Landlord and the Landlord's Legal Representative F. Teixeira attended the hearing on April 14, 2021. As of 9:15 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from July 9, 2020 to April 8, 2021. Because of the arrears, the Landlord served a Notice of Termination.
2. The Tenants are in possession of the rental unit.
3. The Tenants lawful monthly rent is \$1,250.00.
4. The Tenants paid \$2,500.00 to the Board in trust, in accordance with the Board's interim order, since the application was filed.
5. The Landlord collected a rent deposit of \$1,250.00 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 October 9, 2017 to August 25, 2020.

7. The Landlord seeks a termination of the tenancy as the arrears of rent are substantial and the Tenants are not paying the rent. The Tenants did not attend the hearing to provide evidence of their circumstances. The Tenants advised at the prior hearing of the matter that they had 2 children and wished to preserve their tenancy, no information was before the Board on the day of the hearing whether the Tenants' circumstances had changed or why no rent had been paid.
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.

It is ordered that:

1. Unless the Tenants voids 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 September 24, 2021.
2. The Tenants shall pay to the Landlord \$13,886.19*, which represents the amount of rent owing and compensation up to September 13, 2021, less the amount held in Trust by the Board and the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$41.09 per day for compensation for the use of the unit starting September 14, 2021 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 September 24, 2021, the Tenants will start to owe interest. This will be simple interest calculated from September 25, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 24, 2021, then starting September 25, 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 September 25, 2021.
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) \$16,436.00 if the payment is made on or before September 24, 2021, **.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 September 25, 2021 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.

10. The Board shall pay to the Landlord the amount of \$2,500.00 together with any accrued interest. **



September 13, 2021

Date Issued

Toronto South-RO
15 Grosvenor Street, 1st Floor
Toronto ON M7A 2G6

Nicola Mulima
Member, Landlord and Tenant Board

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 March 25, 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: TSL-17909-20

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

Reasons for amount owing	Period	Amount
Arrears & Compensation	July 9, 2020 to September 13, 2021	\$17,705.40
Less the amount the Tenants paid to the Board in trust		-\$2,500.00
Less the rent deposit:		-\$1,250.00
Less the interest owing on the rent deposit:	October 9, 2017 to August 25, 2020	-\$69.21
Amount owing to the Landlord on the order date: (total of previous boxes)		\$13,886.19
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting September 14, 2021		\$41.09 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$14,072.19 + \$41.09 per day starting September 14, 2021

B. Amount the Tenants must pay to void the eviction order and continue the tenancy if payment is made before September 24, 2021:

Reasons for amount owing	Period	Amount
Arrears:	July 9, 2020 to October 8, 2021	\$18,750.00
Less the amount the Tenants paid to the Board in trust		-\$2,500.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before September 24, 2021	\$16,436.00

2021 CanLII 130116 (ON LTB)