



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** The District Municipality of Muskoka v Rhyndress, 2024 ONLTB 4770

**Date:** 2024-01-16

**File Number:** LTB-L-071734-23

**In the matter of:** 935C BETHUNE DR S  
Gravenhurst ON P1P1K3

**Between:** The District Municipality of Muskoka Landlord

**And**

Cherrie Rhyndress and William Knight Tenants

The District Municipality of Muskoka (the 'Landlord') applied for an order to terminate the tenancy and evict Cherrie Rhyndress and William Knight (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 4, 2024.

The Landlord's Legal Representative, Kelly Draycott, and the Tenant, Cherrie Rhyndress, on behalf of all named Tenants, attended the hearing.

The parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

### Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,082.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$35.57. This amount is calculated as follows: \$1,082.00 x 12, divided by 365 days.
5. The Tenants have paid \$7,056.00 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2024 are \$1,177.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. There is no last month's rent deposit.

**It is ordered on consent that:**

1. The tenancy between the Landlord and the Tenants is terminated on January 31, 2024, unless the Tenants void this order.

***Pay and Stay Option***

2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
  - \$1,363.00 if the payment is made on or before January 31, 2024. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenants have paid the full amount owing as ordered plus any additional rent that became due after January 31, 2024 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.

***Pay and Go Option***

4. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before January 31, 2024**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$423.28. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlord compensation of \$35.57 per day for the use of the unit starting January 5, 2024 until the date the Tenant moves out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before January 27, 2024, the Tenants will start to owe interest. This will be simple interest calculated from January 28, 2024 at 7.00% annually on the balance outstanding.
8. If the unit is not vacated on or before January 31, 2024, then starting February 1, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 February 1, 2024.

**January 16, 2024**

**Date Issued**

15 Grosvenor Street, Ground Floor  
Toronto ON M7A 2G6

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Jessica Lapkowski  
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 August 1, 2024 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.

Schedule 1  
SUMMARY OF CALCULATIONS

**A. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before January 31, 2024**

|   |                   |
|---|-------------------|
| Rent Owing To January 31, 2024  | \$8,233.00        |
| Application Filing Fee  | \$186.00          |
| <b>Less</b> the amount the Tenants paid to the Landlord since the application was filed | - \$7,056.00      |
| <b>Total the Tenants must pay to continue the tenancy</b>                               | <b>\$1,363.00</b> |

**B. Amount the Tenants must pay if the tenancy is terminated**

|   |                      |
|---|----------------------|
| Rent Owing To Hearing Date  | \$7,293.28           |
| Application Filing Fee  | \$186.00             |
| <b>Less</b> the amount the Tenants paid to the Landlord since the application was filed | - \$7,056.00         |
| <b>Total amount owing to the Landlord</b>   | <b>\$423.28</b>      |
| Plus daily compensation owing for each day of occupation starting January 5, 2024       | \$35.57<br>(per day) |

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