



**Order under Section 69  
Residential Tenancies Act, 2006**

**Citation:** Hazelview Properties v Steven Bovingdon, 2023 ONLTB 43835

**Date:** 2023-06-14

**File Number:** LTB-L-001326-23

**In the matter of:** 303-300 Regina Street North Waterloo,  
ON N2J 4H2

**Between:** Hazelview Properties Landlord

**And**

Steven Bovingdon Tenants Zackery Griffiths

Hazelview Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Steven Bovingdon and Zackery Griffiths (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 6, 2023.

The Landlord's Legal Representative Sean Beard and the Tenant Steven Bovingdon attended the hearing. The Tenant met with Tenant Duty Counsel prior to the hearing.

**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 \$1,872.32. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$61.56. This amount is calculated as follows: \$1,872.32 x 12, divided by 365 days.
5. The Tenants have not made any payments since the application was filed.

6. The rent arrears owing to June 30, 2023 are \$15,622.58.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,805.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$19.41 is owing to the Tenants for the period from January 1, 2023 to June 6, 2023.

*Section 83 Considerations*

10. The Tenant testified that he acknowledged the arrears and testified that he had obtained a new job and had contracted COVID-19 which resulted in a loss of income.
11. The Tenant testified that the other Tenant vacated the unit in October of 2022 and has since moved back into the unit. The Tenant proposed paying half the arrears in a month and paying an additional \$1,000.00 a month until the arrears are paid in full. Otherwise the Tenant testified that he would investigate getting a loan to pay the arrears.
12. Having considered the evidence of both parties, I find that it would be reasonable to delay eviction until July 7, 2023 to allow the Tenants time to secure a loan to repay the arrears in their entirety or to vacate the unit.
13. 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 not be unfair to postpone the eviction until July 7, 2023 pursuant to subsection 83(1)(b) of the Act.

**It is ordered that:**

14. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.

**15. The Tenants may void this order and continue the tenancy by paying to the Landlord:**

1. \$15,808.58 if the payment is made on or before June 30, 2023. See Schedule 1 for the calculation of the amount owing.

**OR**

2. \$17,680.90 if the payment is made on or before July 7, 2023. See Schedule 1 for the calculation of the amount owing.

16. 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 July 7, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.

- 17. 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 July 7, 2023.**
18. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$12,481.21. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
19. The Tenants shall also pay the Landlord compensation of \$61.56 per day for the use of the unit starting June 7, 2023 until the date the Tenants move out of the unit.
20. If the Tenants do not pay the Landlord the full amount owing on or before June 25, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 26, 2023 at 6.00% annually on the balance outstanding.
21. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
22. If the unit is not vacated on or before July 7, 2023, then starting July 8, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
23. 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 8, 2023.

**June 14, 2023**

**Date Issued**

Jagger Benham

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor Toronto  
ON M7A 2G6

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 8, 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 June 30, 2023**

Rent Owing To June 30, 2023	\$15,622.58
Application Filing Fee	\$186.00
<b>Total the Tenants must pay to continue the tenancy</b>	<b>\$15,808.58</b>

**B. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before July 7, 2023**

Rent Owing To July 31, 2023	\$17,494.90
Application Filing Fee	\$186.00
<b>Total the Tenants must pay to continue the tenancy</b>	<b>\$17,680.90</b>

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

Rent Owing To Hearing Date	\$14,119.62
Application Filing Fee	\$186.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,805.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$19.41
<b>Total amount owing to the Landlord</b>	<b>\$12,481.21</b>
Plus daily compensation owing for each day of occupation starting June 7, 2023	\$61.56 (per day)