



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

**Citation:** Ontario Aboriginal Housing Services v Kaylee Shipman, 2023 ONLTB 39437

**Date:** 2023-05-29

**File Number:** LTB-L-066092-22

**In the matter of:** 302, 343 RICHMOND ST  
LONDON ON N6A3C2

**Between:** Ontario Aboriginal Housing Services Landlord

**And**

Jacob McCormack Tenants  
Kaylee Shipman

Ontario Aboriginal Housing Services (the 'Landlord') applied for an order to terminate the tenancy and evict Jacob McCormack and Kaylee Shipman (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was scheduled to be heard by videoconference on May 10, 2023.

The Landlords' Legal Representative, Daniel Abraham, attended on behalf of the Landlord.

The Tenant was self-represented and spoke with Tenant Duty Counsel prior to the mediation.

The parties elected to participate in LTB-facilitated mediation with the assistance of Angela McLaughlin, a Dispute Resolution Officer and Hearings Officer with the Landlord and Tenant Board.

**The parties agree:**

1. The lawful rent is \$1,153.00. It is due on the 1st day of each month.
2. Based on the monthly rent, the daily rent/compensation is \$37.91. This amount is calculated as follows: \$1,153.00 multiplied by 12 months, divided by 365 days.
3. The Tenants have paid \$2,825.00 to the Landlord since the application was filed.
4. The rent arrears owing to May 31, 2023 are \$6,110.00.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. There is no last month's rent deposit.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
  - \$6,296.00 if the payment is made on or before May 31, 2023. See Schedule 1 for the calculation of the amount owing.

**OR**

  - \$7,449.00 if the payment is made on or before June 30, 2023. 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 June 30, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
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 June 30, 2023.**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$5,522.10. 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 \$37.91 per day for the use of the unit starting May 11, 2023 until the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before June 30, 2023, the Tenants will start to owe interest. This will be simple interest calculated from July 1, 2023 at 6.00% annually on the balance outstanding.
8. If the unit is not vacated on or before June 30, 2023, then starting July 1, 2023, 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 July 1, 2023.

**May 29, 2023**  
**Date Issued**

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Angela McLaughlin  
Hearings Officer, 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 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.

2023 ONL TB 39437 (CanLII)

**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 May 31, 2023:**

Rent Owing to May 31, 2023	\$8,935.00
Application Filing Fee	\$186.00
<b>Less</b> the amount the Tenants paid to the Landlord since the application was filed	- \$2,825.00
<b>Total the Tenants must pay to continue the tenancy</b>	<b>\$6,296.00</b>

**B. 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	\$10,088.00
Application Filing Fee	\$186.00
<b>Less</b> the amount the Tenants paid to the Landlord since the application was filed	- \$2,825.00
<b>Total the Tenants must pay to continue the tenancy</b>	<b>\$7,449.00</b>

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

Rent Owing to Hearing Date	\$8,161.10
Application Filing Fee	\$186.00
<b>Less</b> the amount the Tenants paid to the Landlord since the application was filed	- \$2,825.00
<b>Total amount owing to the Landlord</b>	<b>\$5,522.10</b>
Plus daily compensation owing for each day of occupation starting May 11, 2023	\$37.91 (per day)