



Order under Section 69 Residential Tenancies Act, 2006

Citation: Christian Adrian Carrasco v Nicole Colette Veenhof, 2023 ONLTB 33305

Date: 2023-04-25

File Number: LTB-L-055043-22

In the matter of: 6 Blue Forest Crescent
Barrie, ON L9J 0N3

Between: Christian Adrian Carrasco Landlords
Dennis Carrasco

And

Nicole Colette Veenhof Tenant

Christian Adrian Carrasco and Dennis Carrasco (the 'Landlords') applied for an order to terminate the tenancy and evict Nicole Colette Veenhof (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 11, 2023.

The Landlord Christian Carasco, the Landlord's Legal Representative Amreek Gill and the Tenant attended the hearing. The Tenant met with Tenant Duty Counsel prior to the hearing.

Determinations:

1. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenant 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 Tenant was still in possession of the rental unit.
3. The lawful rent is \$3,200.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$105.21. This amount is calculated as follows: \$3,200.00 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.

6. The rent arrears owing to April 30, 2023 are \$31,720.58.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$1,000.00 from the Tenant and this deposit is still being held by the Landlords. 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 \$6.92 is owing to the Tenant for the period from January 1, 2023 to April 11, 2023.

Section 83 Considerations

10. The Tenant acknowledged the arrears and agreed to vacate the unit within a couple of months. As such, a standard order will be issued to the end of May.
11. 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 May 31, 2023 pursuant to subsection 83(1)(b) of the Act.

It is ordered that:

12. The tenancy between the Landlords and the Tenant is terminated unless the Tenant voids this order.
13. **The Tenant may void this order and continue the tenancy by paying to the Landlords:**
 1. \$31,906.58 if the payment is made on or before April 30, 2023. See Schedule 1 for the calculation of the amount owing.
- OR**
2. \$35,106.58 if the payment is made on or before May 31, 2023. See Schedule 1 for the calculation of the amount owing.
14. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after May 31, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
15. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before May 31, 2023.**
16. If the Tenant does not void the order, the Tenant shall pay to the Landlords \$28,962.18. 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 Landlords owe on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.

17. The Tenant shall also pay the Landlords compensation of \$105.21 per day for the use of the unit starting April 12, 2023 until the date the Tenant moves out of the unit.
18. If the Tenant does not pay the Landlords the full amount owing on or before May 6, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 7, 2023 at 6.00% annually on the balance outstanding.
19. The Landlords or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
20. If the unit is not vacated on or before May 31, 2023, then starting June 1, 2023, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
21. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after June 1, 2023.

April 25, 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 December 1, 2023 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 Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before April 30, 2023

Rent Owing To April 30, 2023	\$31,720.58
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$31,906.58

B. Amount the Tenant 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	\$34,920.58
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$35,106.58

C. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$29,783.10
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,000.00
Less the amount of the interest on the last month's rent deposit	- \$6.92
Total amount owing to the Landlords	\$28,962.18
Plus daily compensation owing for each day of occupation starting April 12, 2023	\$105.21 (per day)