

Order under section 69
Residential Tenancies Act, 2006

File Number: SOL-14274

In the matter of: 4, 237 Dalhousie St
Brantford ON N3S 3V1

Between: Lukshmanan Kumar

and

Trista Hegmans
Dan Richards

I certify this is a true copy of the Order/Report.

Landlord

Moita Chacha

Dated: 4.09.08 mc
Landlord and Tenant Board
Tenants

Lukshmanan Kumar (the 'Landlord') applied for an order to terminate the tenancy and evict Trista Hegmans and Dan Richards (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in Brantford on August 27, 2008. Only the Landlord attended the hearing.

Determinations:

1. At the outset of the hearing I satisfied myself that the Tenants were served a copy of the application and the notice of hearing.
2. The Tenants have not paid the total rent they were required to pay for the period from July 1, 2008 to August 31, 2008. Because of the arrears, the Landlord served a Notice of Termination effective July 25, 2008.
3. The Landlord collected a rent deposit of \$715.00 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenants for the period from May 1, 2008 to July 25, 2008.
4. In the absence of the Tenants I have considered all of the known 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. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before September 15, 2008.

Department of Justice
Federal Bureau of Investigation

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Washington, D.C. 20535

I certify this is a true copy of the original report.	
Motta Clasha	Dated:
Special Agent in Charge	

The following information was obtained from the files of the New York Office of the FBI on 10/10/68.

On 10/10/68, the New York Office advised that the following information was obtained from the files of the New York Office of the FBI on 10/10/68.

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2. The Tenants shall pay to the Landlord \$834.22*, which represents the amount of rent owing and compensation up to September 4, 2008, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$23.51 per day for compensation for the use of the unit starting September 5, 2008 to the date they move out of the unit.
4. The Tenants shall also pay to the Landlord \$150.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before September 15, 2008, the Tenants will start to owe interest. This will be simple interest calculated from September 16, 2008 at 5.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 15, 2008, then starting September 16, 2008, 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 16, 2008.
8. If, on or before September 15, 2008, the Tenants pay the amount of \$2,295.00** to the Landlord or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated and the Tenants could remain in the unit. If this payment is not made in full and on time, 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 16, 2008 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.

September 4, 2008
Date Issued



Karol Wronecki
Member, Landlord and Tenant Board

Southern Region
6th floor, 119 King Street West
Hamilton ON L8P 4Y7

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 16, 2009 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: SOL-14274

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

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	July 1, 2008 to July 25, 2008	\$587.67
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	July 26, 2008 to September 4, 2008	\$963.91
Less the rent deposit:		-\$715.00
Less the interest owing on the rent deposit:	May 1, 2008 to July 25, 2008	-\$2.36
Amount owing to the Landlord on the order date: (total of previous boxes)		\$834.22
Additional costs the Tenants must pay to the Landlord:		\$150.00
Plus daily compensation owing for each day of occupation starting September 5, 2008:		\$23.51 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$984.22, + \$23.51 per day starting September 5, 2008

B. Amount the Tenants must pay to void the eviction order and continue the tenancy:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2008 to September 30, 2008	\$2,145.00
Additional costs the Tenants must pay to the Landlord:		\$150.00
Total the Tenants must pay to continue the tenancy:	On or before September 15, 2008	\$2,295.00