



Order under Section 69 Residential Tenancies Act, 2006

Citation: Down v Fletcher, 2024 ONLTB 45419

Date: 2024-07-03

File Number: LTB-L-004868-24

In the matter of: 1183 Hamilton Street
Cambridge ON N3H3G1

Between: Laura Down
Jason Down

And

Kevin Fletcher
Brittany Fletcher

I hereby certify this is a
true copy of an Order dated

JULY 3, 2024

Landlord and Tenant Board

Landlords

Tenants

Laura Down and Jason Down (the 'Landlords') applied for an order to terminate the tenancy and evict Kevin Fletcher and Brittany Fletcher (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 10, 2024.

Only the Landlords attended the hearing.

As of 9:33 am, the Tenants were not present or represented at the hearing, although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlords' evidence.

Determinations:

1. The Landlords served the Tenants with a valid Notice to End Tenancy Early for Non-payment 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 \$2,595.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$85.32. This amount is calculated as follows: \$2,595.00 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, 2024, are \$12,975.00.
7. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.

8. There is no last month's rent deposit.
9. The Landlord submitted that they reached out to the Tenant on various occasions. No resolution was reached.
10. The Landlord requested a standard order. The Landlord submitted that they knew of no reason to delay or deny eviction.
11. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Residential Tenancies Act, 2006 (the 'Act'), including whether the Landlords attempted to negotiate a repayment agreement with the Tenants 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 Landlords 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 Landlords or to the LTB in trust:**
 - \$15,756.00 if the payment is made on or before July 14, 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 July 14, 2024, 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 July 14, 2024**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlords \$11,419.20. 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 Landlords compensation of \$85.32 per day for the use of the unit starting June 11, 2024, until the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlords the full amount owing on or before July 14, 2024, the Tenants will start to owe interest. This will be simple interest calculated from July 15, 2024, at 7.00% annually on the balance outstanding.
8. If the unit is not vacated on or before July 14, 2024, then starting July 15, 2024, the Landlords 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 Landlords on or after July 15, 2024.

July 3, 2024
Date Issued


 Henry Yeung
 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 2, 2025, 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, 2024

Rent Owing To July 31, 2024	\$15,570.00
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$15,756.00

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

Rent Owing To Hearing Date	\$11,233.20
Application Filing Fee	\$186.00
Total amount owing to the Landlords	\$11,419.20
Plus, daily compensation owing for each day of occupation starting June 11, 2024	\$85.32 (per day)