

Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-21527-18

In the matter of: 145 MARMEL COURT
CAMBRIDGE ON N3H5J2

Between: Alvin Adona

and

Nadine Reason
Shana Richards

I certify this is a true copy of the order

Staff Member

Dated: _____

Landlord and Tenant Board

Landlord

Tenants

OCT 05 2018

Alvin Adona (the 'Landlord') applied for an order to terminate the tenancy and evict Nadine Reason and Shana Richards (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in Waterloo on October 2, 2018. The Landlord attended the hearing. As of 1:10 p.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent they were required to pay for the period from August 11, 2018 to October 10, 2018. Because of the arrears, the Landlord served a Notice of Termination effective September 6, 2018.
2. The Tenants are in possession of the rental unit.
3. The monthly rent is \$1,650.00.
4. The Landlord collected a rent deposit of \$1,650.00 from the Tenants and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenants for the period from March 9, 2018 to September 6, 2018.
6. The Tenants paid \$2,650.00 after the application was filed.
7. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.



It is ordered that:


1. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 16, 2018.
2. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent and compensation the Landlord is entitled to by \$1,276.99*.
3. However, the Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenants:
\$54.25 per day for compensation for the use of the unit starting October 6, 2018 to the date the Tenants move out of the unit, and
\$175.00 for the cost of filing the application.
4. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
5. If the unit is not vacated on or before October 16, 2018, then starting October 17, 2018, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 October 17, 2018.
7. If the Tenants wish to void this order and continue the tenancy, they must pay to the Landlord or to the Board in trust:
 - i) \$825.00 if the payment is made on or before October 10, 2018, or
 - ii) \$2,475.00 if the payment is made on or before October 16, 2018**.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 October 17, 2018 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.
9. ***Due to a potential Canada Post strike, the Landlord must immediately give a copy of this Order to the Tenant by:***

***handing it to the tenant;
handing it to an apparently adult person in the rental unit;
leaving it in the tenant's mailbox; or,
if there is no mailbox, leaving it at the place where mail is ordinarily delivered to the tenant; or***

*placing a copy of the order under the door of the rental unit or through a mail slot in the door; or
if there is a fax machine where the tenant resides, by fax*

The Landlord shall not use regular mail, registered mail, Xpresspost or any courier service that is used by Canada Post to deliver the Order.

October 5, 2018
Date Issued



Lorraine Mathers
Member, Landlord and Tenant Board

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

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 April 17, 2019 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**

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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)	August 11, 2018 to September 6, 2018	\$1,464.66
Less the amount the Tenants paid to the Landlord		-\$2,650.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	September 7, 2018 to October 5, 2018	\$1,573.25
Less the rent deposit:		-\$1,650.00
Less the interest owing on the rent deposit:	March 9, 2018 to September 6, 2018	-\$14.90
Amount owing to the Landlord on the order date: (total of previous boxes)		-\$1,276.99
Additional costs the Tenants must pay to the Landlord:		\$175.00
Plus daily compensation owing for each day of occupation starting October 6, 2018:		\$54.25 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		-\$1,101.99, + \$54.25 per day starting October 6, 2018

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

1. If the payment is made on or before October 10, 2018:

Reasons for amount owing	Period	Amount
Arrears:	August 11, 2018 to October 10, 2018	\$3,300.00
Less the amount the Tenants paid to the Landlord:		-\$2,650.00
Additional costs the Tenants must pay to the Landlord:		\$175.00
Total the Tenants must pay to continue the tenancy:	On or before October 10, 2018	\$825.00

2. If the payment is made after October 10, 2018 but on or before October 16, 2018:

Reasons for amount owing	Period	Amount
Arrears:	August 11, 2018 to November 10, 2018	\$4,950.00
Less the amount the Tenants paid to the Landlord:		-\$2,650.00
Additional costs the Tenants must pay to the Landlord:		\$175.00
Total the Tenants must pay to continue the tenancy:	On or before October 16, 2018	\$2,475.00