

Order under Section 78(6)
Residential Tenancies Act, 2006

File Number: TEL-97668-19

In the matter of: B, 100 CROWN STREET
TRENTON ON K8V1P4

Between: Jason Attwood

and

Carly Mattis
Steven Bird

I hereby certify this is a true copy of the Order
(Name of Document)
(Althea Brévett)
(Signature of Staff Member)

Landlord

JAN 07 2019

LANDLORD AND TENANT BOARD

Tenants

Jason Attwood (the 'Landlord') applied for an order to terminate the tenancy and evict Steven Bird and Carly Mattis (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the mediated settlement issued by the Board on December 13, 2018 with respect to application TEL-95851-18.

Determinations:

1. The mediated settlement provided that the Landlord could apply to the Board under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if the Tenants did not meet certain condition(s) specified in the settlement.
2. I find that the Tenants have not met the following conditions specified in the settlement:

The Tenants failed to pay January 2019 rent in full on or before January 1, 2019 and the Tenants failed to pay \$87.50 towards the application filing fee on or before January 1, 2019.
3. The previous application included a request for an order for the payment of arrears of rent. The resulting mediated settlement required the Tenants to pay rent or some or all of the arrears of rent. Accordingly, in addition to eviction, the Landlord is entitled to request an order for the payment of arrears of rent and compensation.
4. The amount that is still owing, according to the terms of the mediated settlement, for arrears of rent, and the costs related to the application fee for the previous application is \$175.00.
5. Since the date of the mediated settlement, the Tenants have failed to pay the full rent that became owing for the period from January 1, 2019 to January 31, 2019.

6. The Landlord collected a rent deposit of \$619.00 from the Tenants and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenants for the period from January 1, 2019 to January 7, 2019.


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 January 18, 2019.
2. As of the date of this order, the Tenants owe no money to the Landlord because the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, and costs related to the application fee for the previous application that the Landlord is entitled to under this order by \$910.76.
3. The Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenants: \$20.35 per day for compensation for the use of the unit starting January 8, 2019 to the date the Tenants move out of the unit;
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 January 18, 2019, then starting January 19, 2019, 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 January 19, 2019.

January 7, 2019

Date Issued

Toronto East-RO
2275 Midland Avenue, Unit 2
Toronto ON M1P3E7



Ruth Carey
Vice Chair, Landlord and Tenant Board

The tenant has until January 17, 2019 to file a motion with the Board to set aside the order under s. 78(9) of the Act. If the tenant files the motion by January 17, 2019 the order will be stayed and the Board will schedule a hearing.

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 July 19, 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 the attached Summary of Calculations.

Summary of Calculations

File Number: TEL-97668-19

Amount the Tenant must pay

Reason for amount owing	Period	Amount
Amount owing from previous order or settlement plus New Arrears and New NSF cheque charges and related administration charges		-\$291.55
Less the rent deposit:		-\$619.00
Less the interest owing on the rent deposit	January 1, 2019 to January 7, 2019	-\$0.21
Plus daily compensation owing for each day of occupation starting January 8, 2019		\$20.35 (per day)

Total the Tenants must pay the Landlord:	-\$910.76, + \$20.35 per day starting January 8, 2019
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