



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

File Number: TEL-21371-22

In the matter of: 7180 PAIN COURT LINE
PAIN COURT ON L0P1Z0

Between: Brittany Labombard
James Labombard

Landlords

and

Aaron Gignac
Brooke Field

Tenants

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

FEB 2, 2022

TR

Landlord and Tenant Board

and Brittany Labombard and James Labombard (the 'Landlords') applied for an order to terminate the tenancy and evict Aaron Gignac and Brooke Field (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 order issued by the Board on October 8, 2021 with respect to application SWL-48703-21.

Determinations:


1. The order provided that the Landlords 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 order.
2. I find that the Tenants have not met the following conditions specified in the order: **The Tenants did not pay \$1500.00 rent on or before December 15, 2021. The Tenants did not pay \$500.00 arrears on or before January 1, 2022.**
3. The previous application included a request for an order for the payment of arrears of rent. The resulting order required the Tenants to pay rent or some or all of the arrears of rent. Accordingly, in addition to eviction, the Landlords are entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenants were ordered to pay \$7,186.00 for rent arrears and the costs related to the Landlord's application fee in Order SWL-48703-21. The amount that is still owing from that order is \$4,686.00 and that amount is included in this order. As a result, the previous order SWL-48703-21 is cancelled.

5. Since the date of the order, the Tenants have failed to pay the full rent that became owing for the period from December 15, 2021 to February 14, 2022.
6. The Landlords collected a rent deposit of \$1,500.00 from the Tenants and this deposit is still being held by the Landlords.
7. Interest on the rent deposit is owing to the Tenants for the period from July 30, 2019 to February 2, 2022.

It is ordered that:

1. Order SWL-48703-21 is cancelled.
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before February 13, 2022.
3. The Tenants shall pay to the Landlords \$4,338.40*. This amount represents the rent owing up to February 2, 2022 and the costs related to the application fee for the previous application, less the rent deposit and interest the Landlords owe on the rent deposit.
4. The Tenants shall also pay to the Landlords \$49.32 per day for compensation for the use of the unit starting February 3, 2022 to the date the Tenants move out of the unit.
5. If the Tenants do not pay the Landlords the full amount owing* on or before February 13, 2022, the Tenants will start to owe interest. This will be simple interest calculated from February 14, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before February 13, 2022, then starting February 14, 2022, the Landlords 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 Landlords on or after February 14, 2022.

February 2, 2022
Date Issued



Emile Ramlochan
Member, Landlord and Tenant Board

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

The tenant has until February 12, 2022 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 February 12, 2022 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 August 14, 2022 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-21371-22

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		\$5,872.99
Less the rent deposit:		-\$1,500.00
Less the interest owing on the rent deposit	July 30, 2019 to February 2, 2022	-\$34.59
Plus daily compensation owing for each day of occupation starting February 3, 2022		\$49.32 (per day)
Total the Tenants must pay the Landlord:		\$4,338.40, + \$49.32 per day starting February 3, 2022