



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

File Number: EAL-97048-21

In the matter of: 306, 1100 MILLWOOD AVENUE
BROCKVILLE ON K6V6Z3

Between: Sanjay Ganpat Bhanushali Landlord

and

Jeffery Baker Tenants
Jessica English

Sanjay Ganpat Bhanushali (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica English and Jeffery Baker (the 'Tenants') and for an order to have the Tenants pay compensation for damage they owe because the Tenants failed to meet a condition specified in the order issued by the Board on July 20, 2021 with respect to application EAL-94486-21.

Determinations:

1. The order 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 order.
2. I find that the Tenants have not met the following conditions specified in the order: **The Tenants failed to pay the full lawful rent for August 2021 plus \$160.00 towards damages on or before August 1, 2021.**
3. The previous application included a request for an order for compensation for damage caused by the Tenant and the resulting order required the Tenant to pay an amount for damage. Accordingly, the Landlord is entitled to request an order for compensation for damage.
4. The Tenants were ordered to pay \$293.80 for compensation for damage in Order EAL-94486-21. The amount that is still owing from that order is \$293.80 and that amount is included in this order. As a result, the previous order EAL-94486-21 is cancelled.
5. The Landlord collected a rent deposit of \$1,100.00 from the Tenants and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenants for the period from April 27, 2020 to December 31, 2020.

It is ordered that:

1. The previous order for file EAL-94486-21 is cancelled.
2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before September 6, 2021.
3. 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 unpaid compensation for damage that the Landlord is entitled to under this order by \$822.71.
4. The Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenants: \$36.16 per day for compensation for the use of the unit starting September 1, 2021 to the date the Tenants move out of the unit.
5. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
6. If the unit is not vacated on or before September 6, 2021, then starting September 7, 2021, 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 7, 2021.

August 26, 2021
Date Issued

Michael Di Salle
Michael Di Salle
Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9

The tenant has until September 7, 2021 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 September 7, 2021 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 March 7, 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: EAL-97048-21

Amount the Tenant must pay

Reason for amount owing	Period	Amount
Amount owing from previous order:		\$293.80
Less the rent deposit:		-\$1,100.00
Less the interest owing on the rent deposit	April 27, 2020 to December 31, 2020	-\$16.51
Plus daily compensation owing for each day of occupation starting September 1, 2021		\$36.16 (per day)

Total the Tenants must pay the Landlord:	-\$822.71, + \$36.16 per day starting September 1, 2021
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