

Order under Section 77
Residential Tenancies Act, 2006

File Number: SOL-64100-15

In the matter of: 5, 2251 MOUNTAINSIDE DRIVE
BURLINGTON ON L7P1B6

Between: Bayside Property Management Inc Landlord

and

I hereby certify this is a true copy of an Order

Magdalena Zwolinski



Tenant

Dated 16/11/15
Landlord and Tenant Board

Bayside Property Management Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Magdalena Zwolinski (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

The Landlord also filed an order regarding arrears of rent and the costs associated with replacing a lock to the unit.

This application was heard in Burlington on November 13, 2015.

Only the Landlord attended the hearing.

The Tenant sent a representative to the hearing to seek an adjournment. The Landlord informed the Board that the Tenant was moving out and apparently has started to pack. The Landlord had spoken to the Tenant that morning and there did not seem to be a dispute about the rent.

The Tenant's friend stated that the Tenant had issues with this Landlord. These issues can be addressed if the Tenant files her own application with the Board and that is not a reason to adjourn this hearing.

Determinations:

1. The Landlord and the Tenant signed an agreement to terminate the tenancy as of December 1, 2015.
2. The Tenant changed the locks and did not give the Landlord a replacement key. The cost of a new locking system for the unit is \$75.00.
3. The Tenant owes the Landlord \$1,142.00 for arrears up to and including November 30, 2015.

(This document contains information that is exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552, because it is a confidential source or information from a confidential source, and its disclosure would be likely to result in the identification of the source.)

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4. There will be no order for costs.
5. 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. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before December 1, 2015.
2. If the unit is not vacated on or before December 1, 2015, then starting December 2, 2015, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 December 2, 2015.
4. The Tenant shall pay to the Landlord \$1,142.00, which represents the amount of rent owing up to October 31, 2015.
5. The Tenant shall also pay the Landlord \$75.00 to compensate the Landlord for the costs of replacing the locking system to the unit.
6. If the Tenant does not pay the Landlord the full amount owing on or before December 11, 2015, the Tenant will start to owe interest. This will be simple interest calculated from December 12, 2015 at 2.00% annually on the balance outstanding.

November 16, 2015
Date Issued


Elizabeth Beckett
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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 June 2, 2016 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.