



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

File Number: EAL-97049-21

In the matter of: 1763 MARQUIS AVENUE
GLOUCESTER ON K1J8L5

Between: Capreit Limited Partnership
Capreit Limited Partnership Ottawa Office

Landlords

and

Amber Thomas
Ryan Holt

Tenants

Capreit Limited Partnership and Capreit Limited Partnership Ottawa Office (the 'Landlords') applied for an order to terminate the tenancy and evict Amber Thomas and Ryan Holt (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 June 8, 2021 with respect to application EAL-93423-21.

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 condition specified in the order: The Tenants failed to pay August 2021's lawful monthly rent, on or before August 1, 2021.
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 required to pay \$10,836.00 for rent arrears and the costs related to the Landlord's application fee in Order EAL-93423-21. The amount that is still owing from that order is \$7,061.00 and that amount is included in this order. As a result, the previous order EAL-93423-21 is cancelled.
5. As of the date this application was filed on August 9, 2021, the Tenants have failed to pay the full rent that became owing for the period from August 1, 2021 to August 31, 2021.

6. The Landlords collected a rent deposit of \$1,775.00 from the Tenants and this deposit is still being held by the Landlords.
7. Interest on the rent deposit has been paid to the Tenant up to December 31, 2020.

It is ordered that:

1. Order EAL-93423-21 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 September 6, 2021.
3. The Tenants shall pay to the Landlords \$6,803.36*. This amount represents the rent owing up to August 26, 2021 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 \$58.36 per day for compensation for the use of the unit starting August 27, 2021 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 September 6, 2021, the Tenants will start to owe interest. This will be simple interest calculated from September 7, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 6, 2021, then starting September 7, 2021, 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 September 7, 2021.

August 26, 2021
Date Issued

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

Michael Di Salle

Michael Di Salle
Member, Landlord and Tenant Board

The tenant has until September 5, 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 5, 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-97049-21

Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order: up to June 30, 2021		\$7,061.00
New arrears: up to the date of this order	August 1, 2021 to August 26, 2021	\$1,517.36
Less the rent deposit:		-\$1,775.00
Plus daily compensation owing for each day of occupation starting August 27, 2021		\$58.36 (per day)

Total the Tenants must pay the Landlord:	\$6,803.36, + \$58.36 per day starting August 27, 2021
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