



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

File Number: EAL-99745-22

In the matter of: 2, 52 YORK STREET
KINGSTON ON K7K1P5

Between: Jordan Osmar

and

Tamara Bolger

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

SEP 26, 2022

Landlord and Tenant Board

Landlord

Tenant

On August 5, 2022, Jordan Osmar (the 'Landlord') applied for an order to terminate the tenancy and evict Tamara Bolger (the 'Tenant') and for an order to have the Tenant pay the rent the Tenant owes because the Tenant failed to meet a condition specified in the order issued by the Board on August 4, 2022 with respect to application LTB-L-001016-22.


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 Tenant to terminate the tenancy and evict the Tenant if the Tenant did not meet certain condition(s) specified in the order.
2. I find that the Tenant has not met the following condition(s) specified in the order:
The Tenant failed to pay to the Landlord the full lawful rent on or before August 1, 2022. The Tenant paid \$536.00.
3. The previous application included a request for an order for the payment of arrears of rent. The resulting order required the Tenant 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 Tenant was ordered to pay \$4,995.00 for rent arrears and the costs related to the Landlord's application fee in Order LTB-L-001016-22. The amount that is still owing from that order is \$4,331.00 and that amount is included in this order. As a result, the previous order LTB-L-001016-22 is cancelled.
5. The Landlord collected a rent deposit of \$1,800.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from November 5, 2021 to September 26, 2022.

It is ordered that:

1. Order LTB-L-001016-22 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before October 7, 2022.
3. The Tenant shall pay to the Landlord \$3,811.70* (less any amounts paid to the Landlord after this application was filed on August 5, 2022). This amount represents the rent owing up to August 31, 2022 and the costs related to the application fee for the previous application, less the rent deposit and interest the Landlord owes on the rent deposit.
4. The Tenant shall also pay to the Landlord \$60.36 per day for compensation for the use of the unit starting September 1, 2022 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing* on or before October 7, 2022, the Tenant will start to owe interest. This will be simple interest calculated from October 8, 2022 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 7, 2022, then starting October 8, 2022, 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 October 8, 2022.

September 26, 2022
Date Issued



Ian Speers
Vice Chair, Landlord and Tenant Board

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

The tenant has until October 6, 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 October 6, 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 April 8, 2023 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-99745-22

Amount the Tenant must pay

| Reason for amount owing | Period | Amount |
|--|--|-------------------|
| Amount owing from previous order plus New Arrears | | \$5,631.00 |
| Less the rent deposit: | | -\$1,800.00 |
| Less the interest owing on the rent deposit | November 5, 2021 to September 26, 2022 | -\$19.30 |
| Plus daily compensation owing for each day of occupation starting September 1, 2022 | | \$60.36 (per day) |

| | |
|--|---|
| Total the Tenant must pay the Landlord: | \$3,811.70, + \$60.36 per day starting September 1, 2022 |
|--|---|