



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

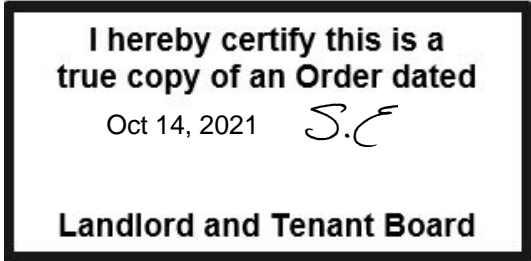
File Number: EAL-97746-21

In the matter of: 2, 50 STANLEY STREET
KINGSTON ON K7K1Y1

Between: Tonik Properties

and

Dawn Young



Landlord

Tenant

Tonik Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Dawn Young (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 February 10, 2021 with respect to application EAL-91081-20.

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 conditions specified in the order:

The Tenant failed to pay to the Landlord \$1,016.89 on or before September 5, 2021 towards rent. The Tenant paid \$1,002.00.

The Tenant also failed to pay to the Landlord \$300.00 on or before September 20, 2021 towards arrears of rent.

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 \$6,871.79 for rent arrears and the costs related to the Landlord's application fee in Order EAL-91081-20. The amount that is still owing from that order is \$4,527.71 and that amount is included in this order. As a result, the previous order EAL-91081-20 is cancelled.

5. Since the date of the order, the Tenant has failed to pay the full rent that became owing for the period from September 1, 2021 to September 30, 2021.

6. The Landlord collected a rent deposit of \$1,016.89 from the Tenant and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenant for the period from January 1, 2020 to October 14, 2021.

It is ordered that:

1. Order EAL-91081-20 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 25, 2021.
3. The Tenant shall pay to the Landlord \$3,502.47*. This amount represents the rent owing up to September 30, 2021 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 \$33.43 per day for compensation for the use of the unit starting October 1, 2021 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 25, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 26, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 25, 2021, then starting October 26, 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 October 26, 2021.

October 14, 2021
Date Issued



Jim McMaster
Member, Landlord and Tenant Board

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

The tenant has until October 24, 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 October 24, 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 April 26, 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-97746-21

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		\$4,542.60
Less the rent deposit:		-\$1,016.89
Less the interest owing on the rent deposit	January 1, 2020 to October 14, 2021	-\$23.24
Plus daily compensation owing for each day of occupation starting October 1, 2021		\$33.43 (per day)

Total the Tenant must pay the Landlord:	\$3,502.47, + \$33.43 per day starting October 1, 2021
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