



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

File Number: TNL-25674-20

In the matter of: UPPER LEVEL, 41 LINDSAY AVENUE
NEWMARKET ON L3Y4N7

I hereby certify this is a true copy of the Order
(Name of Document)

Between: Rizig Sayes

[Signature]
(Signature of Staff Member)

Landlord

and

AUG 13 2020

Kristine Hughes

Landlord and Tenant Board

Tenant

Rizig Sayes (the 'Landlord') applied for an order to terminate the tenancy and evict Kristine Hughes (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 mediated settlement issued by the Board on February 3, 2020 with respect to application TNL-21888-19.

As a result of a Superior Court of Justice order suspending the enforcement of LTB eviction orders during the period from March 19, 2020 to July 31, 2020, the issuance of this Order has been delayed. Any payments made by the Tenant to the Landlord after the application was filed by the Landlord must be deducted from the amount ordered by the Board.

Determinations:

1. The mediated settlement 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 settlement.
2. I find that the Tenant has not met the following condition specified in the settlement: The Tenant failed to pay full \$450.00 towards balance of monthly rent for February on or before February 29, 2020.
3. The previous application included a request for an order for the payment of arrears of rent. The resulting mediated settlement 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. Since the date of the mediated settlement, the Tenant has failed to pay the full rent that became owing for the period from February 4, 2020 to March 3, 2020.

5. The Landlord collected a rent deposit of \$1,400.00 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 April 4, 2019 to August 13, 2020.

It is ordered that:

1. **Any payments by the Tenant to the Landlord after the application was filed by the Landlord are deducted from amount ordered by the Board.**
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before August 24, 2020.
3. The Tenant shall pay to the Landlord \$5,059.28*. This amount represents the rent owing up to August 13, 2020, less the rent deposit and interest the Landlord owes on the rent deposit.
4. The Tenant shall also pay to the Landlord \$46.03 per day for compensation for the use of the unit starting August 14, 2020 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 August 24, 2020, the Tenant will start to owe interest. This will be simple interest calculated from August 25, 2020 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 24, 2020, then starting August 25, 2020, 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 August 25, 2020.

August 13, 2020
Date Issued



Egya Sangmuah
Member, Landlord and Tenant Board

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

The tenant has until August 23, 2020 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 August 23, 2020 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 February 25, 2021 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: TNL-25674-20

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 | | \$6,501.31 |
| Less the rent deposit: | | -\$1,400.00 |
| Less the interest owing on the rent deposit | April 4, 2019 to August 13, 2020 | -\$42.03 |
| Plus daily compensation owing for each day of occupation starting August 14, 2020 | | \$46.03 (per day) |

| | |
|--|---|
| Total the Tenant must pay the Landlord: | \$5,059.28, + \$46.03 per day starting August 14, 2020 |
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