



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

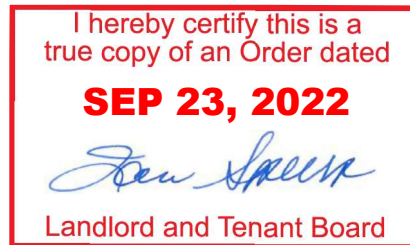
File Number: EAL-99744-22

In the matter of: A, 352 EASTVIEW ROAD
GUELPH ON N1E0E8

Between: Nathan Reid Holdings Ltd

and

Jason Izaguirre
Mallory Reid



Landlord

Tenants

Nathan Reid Holdings Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Mallory Reid and Jason Izaguirre (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 July 25, 2022 with respect to application LTB-L-032732-22.

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 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 conditions specified in the order: **The Tenant failed to pay the arrears installments due on July 27, 2022 and August 03, 2022 in the amounts of \$310.75 each.**
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 Landlord is entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenants were ordered to pay \$2,175.00 for rent arrears and the costs related to the Landlord's application fee in Order LTB-L-032732-22. The amount that is still owing from that order is \$1,864.25 and that amount is included in this order. As a result, the previous order LTB-L-032732-22 is cancelled.
5. The Landlord collected a rent deposit of \$2,300.00 from the Tenants and this deposit is still being held by the Landlord.


6. Interest on the rent deposit is owing to the Tenants for the period from June 3, 2021 to September 23, 2022.

It is ordered that:

1. Order LTB-L-032732-22 is cancelled.
2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 4, 2022.
3. As of the date of this order, the Tenants owe no money to the Landlord because the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds any arrears of rent that the Landlord is entitled to under this order by \$471.88.
4. The Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenants: \$75.62 per day for compensation for the use of the unit starting September 01, 2022 to the date the Tenants move out of the unit.
5. Any amounts paid to the Landlord by the Tenant after this application was filed on August 5, 2022 shall be offset against the foregoing amounts.
6. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
7. If the unit is not vacated on or before October 4, 2022, then starting October 5, 2022, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 5, 2022.

September 23, 2022
Date Issued

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


Ian Speers
Vice Chair, Landlord and Tenant Board

The tenant has until October 3, 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 3, 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 5, 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-99744-22

Amount the Tenant must pay to the Landlord:

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 to August 31, 2022.		\$1,864.25
Less the rent deposit:		-\$2,300.00
Less the interest owing on the rent deposit	June 3, 2021 to September 23, 2022	-\$36.13
Plus daily compensation owing for each day of occupation starting September 01, 2022		\$75.62 (per day)

Total the Tenants must pay the Landlord:	-\$471.88, + \$75.62 per day starting September 01, 2022
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