



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

File Number: TSL-26213-22

In the matter of: 43 CELADINE DRIVE
MARKHAM ON L3R2M3

Between: Wei Xuan Zhang

and

Charles Chessell
Sokunthea Path

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

Mar 16, 2022

Landlord and Tenant Board

Landlord

Tenants

On February 17, 2022, Wei Xuan Zhang (the 'Landlord') applied for an order to terminate the tenancy and evict Sokunthea Path and Charles Chessell (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 February 11, 2022 with respect to application HOL-11803-21.

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 Tenants failed to pay to the Landlord \$736.00 on or before January 23, 2022 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 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 \$11,936.00 for rent arrears and the costs related to the Landlord's application fee in Order HOL-11803-21. The amount that is still owing from that order is \$7,286.00 and that amount is included in this order. As a result, the previous order HOL-11803-21 is cancelled.
5. **Since the date of the order, the Tenants have also failed to pay the full rent that became owing for the period from January 23, 2022 to February 22, 2022.**
6. The Landlord collected a rent deposit of \$2,650.00 from the Tenants and this deposit is still being held by the Landlord.

7. Interest on the rent deposit is owing to the Tenants for the period from January 21, 2021 to March 16, 2022.

It is ordered that:

1. Order HOL-11803-21 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 March 27, 2022.
3. The Tenants shall pay to the Landlord \$7,286.00*. This amount represents the rent owing up to February 22, 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 Tenants shall also pay to the Landlord \$87.12 per day for compensation for the use of the unit starting February 23, 2022 to the date the Tenants move out of the unit.
5. If the Tenants do not pay the Landlord the full amount owing* on or before March 27, 2022, the Tenants will start to owe interest. This will be simple interest calculated from March 28, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before March 27, 2022, then starting March 28, 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 March 28, 2022.

March 16, 2022
Date Issued


Ian Speers
Vice Chair, Landlord and Tenant Board

Toronto South-RO, 15 Grosvenor Street, 1st Floor, Toronto ON M7A 2G6

The tenant has until March 26, 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 March 26, 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 September 28, 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: TSL-26213-22

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		\$9,936.00
Less the rent deposit:		-\$2,650.00
Less the interest owing on the rent deposit	January 21, 2021 to March 16, 2022	-\$0.00
Plus daily compensation owing for each day of occupation starting February 23, 2022		\$87.12 (per day)

Total the Tenants must pay the Landlord:	\$7,286.00, + \$87.12 per day starting February 23, 2022
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