



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

File Number: NOL-44850-22

In the matter of: 2, 1518 MURPHY STREET
NORTH BAY ON P1B5R3

Between: John Miller

and

Caitlin Burn
Shawn Anderson

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

OCT 21, 2022

Landlord and Tenant Board

Landlord

Tenants

On September 6, 2022, John Miller (the 'Landlord') applied for an order to terminate the tenancy and evict Shawn Anderson and Caitlin Burn (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 28, 2022 with respect to application LTB-L-003319-22.

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 Tenants failed to pay to the Landlord the full amount of \$585.00 on or before August 20, 2022 towards arrears of rent.

The Tenants also failed to pay to the Landlord the lawful rent on or before September 1, 2022.

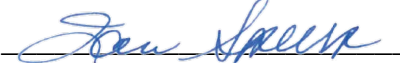
3. The previous application included a request for an order for the payment of arrears of rent. The resulting order required the Tenants to pay rent or some or all of the arrears of rent. Accordingly, in addition to eviction, the Landlord is entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenants were ordered to pay \$6,581.00 for rent arrears and the costs related to the Landlord's application fee in Order LTB-L-003319-22. The amount that is still owing from that order is \$5,881.00 and that amount is included in this order. As a result, the previous order LTB-L-003319-22 is cancelled.
5. The Landlord collected a rent deposit of \$1,150.00 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 10, 2020 to October 21, 2022.

It is ordered that:

1. Order LTB-L-003319-22 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 November 1, 2022.
3. The Tenants shall pay to the Landlord \$5,870.96* (less any amounts paid to the Landlord after this application was filed on September 6, 2022). This amount represents the rent owing up to September 30, 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 \$38.14 per day for compensation for the use of the unit starting October 1, 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 November 1, 2022, the Tenants will start to owe interest. This will be simple interest calculated from November 2, 2022 at 4.00% annually on the balance outstanding.
6. If the unit is not vacated on or before November 1, 2022, then starting November 2, 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 November 2, 2022.

October 21, 2022
Date Issued


Ian Speers
Vice Chair, Landlord and Tenant Board

Northern-RO, 199 Larch Street, Provincial Building, Suite 301, Sudbury ON P3E5P9

The tenant has until October 31, 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 31, 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 May 2, 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: NOL-44850-22

Amount the Tenant must pay

Reason for amount owing	Period	Amount
Amount owing from previous order plus New Arrears		\$7,041.00
Less the rent deposit:		-\$1,150.00
Less the interest owing on the rent deposit	June 10, 2020 to October 21, 2022	-\$20.04
Plus daily compensation owing for each day of occupation starting October 1, 2022		\$38.14 (per day)

Total the Tenants must pay the Landlord:	\$5,870.96, + \$38.14 per day starting October 1, 2022
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