



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

File Number: TEL-16528-21-EX

In the matter of: 23 BAKER STREET
NORWOOD ON K0L2V0

Between: Michele Labossiere
Serafim Rocha

Landlords

and

Nicole Bath

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

April 30, 2021

Landlord and Tenant Board

Tenant

Michele Labossiere and Serafim Rocha (the 'Landlords') applied for an order to terminate the tenancy and evict Nicole Bath (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 March 24, 2021 with respect to application TEL-12741-20.

Determinations:

1. The order provided that the Landlords 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 did not pay \$300.00 on or before March 15, 2021 and did not pay the lawful monthly rent on or before April 1, 2021.
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 Landlords are entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenant was ordered to pay \$1,971.00 for rent arrears in Order TEL-12741-20. The amount that is still owing from that order is \$1,671.00 and that amount is included in this order. **As a result, the previous order TEL-12741-20 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 April 1, 2021 to April 30, 2021.

6. The Landlords collected a rent deposit of \$1,875.00 from the Tenant and this deposit is still being held by the Landlords.
7. Interest on the rent deposit is owing to the Tenant for the period from October 1, 2019 to April 30, 2021.

It is ordered that:

1. **Order TEL-12741-20 is cancelled.**
2. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 11, 2021.
3. The Tenant shall pay to the Landlords \$128.56*. This amount represents the rent owing up to April 30, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
4. The Tenant shall also pay to the Landlords \$61.64 per day for compensation for the use of the unit starting May 1, 2021 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlords the full amount owing* on or before May 11, 2021, the Tenant will start to owe interest. This will be simple interest calculated from May 12, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before May 11, 2021, then starting May 12, 2021, the Landlords 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 Landlords on or after May 12, 2021.
8. **This order terminates the tenancy and permits the Landlord to file the order with Court Enforcement Office (Sheriff) to evict the Tenant. However, as of the date this order was issued, the Sheriff cannot enforce this order as a result of Ontario Regulation 266/21 made under the Emergency Management and Civil Protection Act on April 8, 2021. The Tenant cannot be evicted from the rental unit while this regulation is in force. Eviction by the Sheriff may occur after the regulation is removed by the Ontario Government. Further information is available on the LTB's website.**

April 30, 2021
Date Issued

Toronto East-RO
2275 Midland Avenue, Unit 2
Toronto ON M1P3E7



Tami Cogan
Member, Landlord and Tenant Board

The tenant has until May 10, 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 May 10, 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 November 12, 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: TEL-16528-21

Amount the Tenant must pay

Reason for amount owing	Period	Amount
Amount owing from previous order or settlement up to March 31, 2021		\$1,671.00
Plus New Arrears and New NSF cheque charges and related administration charges: April 1, 2021 to April 30, 2021		\$375.00
Less the rent deposit:		-\$1,875.00
Less the interest owing on the rent deposit	October 1, 2019 to April 30, 2021	-\$42.44
Plus daily compensation owing for each day of occupation starting May 1, 2021		\$61.64 (per day)
Total the Tenant must pay the Landlord:		\$128.56, + \$61.64 per day starting May 1, 2021