

Orillia Community Non-profit Housing Corp. v Hiles, 2022 CanLII 55226 (ON LTB)

Date: 2022-01-10
File number: CEL-04225-21
Citation: Orillia Community Non-profit Housing Corp. v Hiles, 2022 CanLII 55226 (ON LTB), <<https://canlii.ca/t/jpzfj>>, retrieved on 2024-05-15



Tribunals Ontario
Landlord and Tenant Board

Order under Section 78(6)

Residential Tenancies Act, 2006

File Number: CEL-04225-21

In the matter of: 06, 80 WALKER AVENUE
ORILLIA ON L3V7N3

Between: Orillia Community Non-profit Housing Corp.
Landlord

and

Amanda Hiles Damion Hiles Rose Hiles

Tenants

Orillia Community Non-profit Housing Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Damion Hiles, Rose Hiles and Amanda Hiles (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 October 25, 2021 with respect to application CEL-01577-21.

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 \$2,000.00 towards the arrears, on or before November 5, 2021. The Tenants to pay \$850.00 towards the arrears, on or before November 19, 2021.
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 \$5,321.00 for rent arrears in Order CEL-01577-21. The amount that is still owing from that order is \$4,471.00 and that amount is included in this order. As a result, the previous order CEL-01577-21 is cancelled.

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It is ordered that:

1. Order CEL-01577-21 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 January 21, 2022.
3. The Tenants shall pay to the Landlord \$5,972.40*. This amount represents the rent owing up to January 10, 2022.
4. The Tenants shall also pay to the Landlord \$38.14 per day for compensation for the use of the unit starting January 11, 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 January 21, 2022, the Tenants will start to owe interest. This will be simple interest calculated from January 22, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 21, 2022, then starting January 22, 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 January 22, 2022.

8. The tenant has until January 20, 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 January 20, 2022 the order will be stayed, and the Board will schedule a hearing.

9. In accordance with section 81 of the Act, the part of this order relating to the eviction expires on July 22, 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.



January 10, 2022

Date Issued

Daniel Berube
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th
Floor Mississauga ON
L4Z2G5

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

* Refer to the attached Summary of Calculations.

Summary of Calculations
File Number: CEL-04225-21

Amount the Tenant must pay to the Landlord

Reason for amount owing	Period	Amount
Amount owing from previous order or settlement plus New Arr ears and New NSF cheque charges and related administration charges: up to November 30, 2021		\$4,431. 00
New rent due up to the date of this order: December 1, 2021 t o January 10, 2021		\$1,541. 40
Less the rent deposit:		-\$0.00
Less the interest owing on the rent deposit		-\$0.00
Plus daily compensation owing for each day of occupation sta rting January 11, 2022		\$38.14 (per da y)

Total the Tenants must pay the Landlord:	\$5,972.40, + \$38.14 per day starting January 11, 2022
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