

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

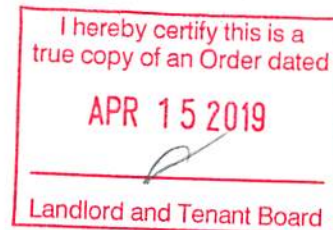
File Number: SOL-03391-19

In the matter of: 2, 85 ST. ARNAUD STREET
PORT COLBORNE ON L3K1L9

Between: Jason Gutcher Landlord

and

Maryann Gisele Morin Tenant



Jason Gutcher (the 'Landlord') applied for an order to terminate the tenancy and evict Maryann Gisele Morin (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 mediated settlement issued by the Board on February 21, 2019 with respect to application SOL-99950-18.

Determinations:

1. The mediated settlement provided that the Landlord 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 settlement.
2. I find that the Tenant has not met the following condition specified in the settlement:
The Tenant did not pay \$1,450.00 towards the arrears and costs on or before March 15, 2019.
3. The previous application included a request for an order for the payment of arrears of rent. The resulting mediated settlement required the Tenant 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 amount that is still owing, according to the terms of the mediated settlement, for arrears of rent, and the costs related to the application fee for the previous application is \$2,350.00.
5. Since the date of the mediated settlement, the Tenant has failed to pay the full rent that became owing for the period from March 1, 2019 to April 30, 2019.


6. The Landlord collected a rent deposit of \$725.00 from the Tenant and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenant for the period from June 1, 2018 to April 15, 2019.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before April 26, 2019.
2. The Tenant shall pay to the Landlord \$1,971.11*. This amount represents the rent owing up to April 15, 2019 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.
3. The Tenant shall also pay to the Landlord \$23.84 per day for compensation for the use of the unit starting April 16, 2019 to the date the Tenant moves out of the unit.
4. If the Tenant does not pay the Landlord the full amount owing* on or before April 26, 2019, the Tenant will start to owe interest. This will be simple interest calculated from April 27, 2019 at 3.00% annually on the balance outstanding.
5. If the unit is not vacated on or before April 26, 2019, then starting April 27, 2019, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 April 27, 2019.

April 15, 2019
Date Issued

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7



Petar Guzina
Member, Landlord and Tenant Board

The tenant has until April 25, 2019 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 April 25, 2019 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 October 27, 2019 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: SOL-03391-19

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		\$2,707.53
Less the rent deposit:		-\$725.00
Less the interest owing on the rent deposit	June 1, 2018 to April 15, 2019	-\$11.42
Plus daily compensation owing for each day of occupation starting April 16, 2019		\$23.84 (per day)

Total the Tenant must pay the Landlord:	\$1,971.11, + \$23.84 per day starting April 16, 2019
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