

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

**File Number: SOL-92032-18**


**In the matter of:** 1, 85 SAINT ARNAUD STREET  
PORT COLBORNE ON L3K1L9

**Between:** Jason Gutcher

and

Kristy Royer

I hereby certify this is a true copy of an Order

  
Dated **APR 16 2018**

Landlord and Tenant Board

Landlord

Tenant

Jason Gutcher (the 'Landlord') applied for an order to terminate the tenancy and evict Kristy Royer (the 'Tenant') and for an order to have the Tenant pay the rent and compensation the Tenant owes because the Tenant failed to meet a condition specified in the settlement mediated by the Board on February 1, 2018 with respect to application SOL-88665-17.

**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 conditions specified in the settlement:  
**The Tenant did not pay the lawful rent for March 2018 on or before March 9, 2018.**  
**The Tenant did not pay \$477.00 towards the arrears on or before March 23, 2018.**  
**The Tenant also did not pay the lawful rent for April 2018 on or before April 1, 2018.**
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 \$2,385.00.

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, 2018 to April 30, 2018.
6. The Landlord collected a rent deposit of \$300.00 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 February 1, 2017 to April 16, 2018.

**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 27, 2018.
2. The Tenant shall pay to the Landlord \$2,851.91\*. This amount represents the rent owing up to April 16, 2018 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 \$29.59 per day for compensation for the use of the unit starting April 17, 2018 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 27, 2018, the Tenant will start to owe interest. This will be simple interest calculated from April 28, 2018 at 3.00% annually on the balance outstanding.
5. If the unit is not vacated on or before April 27, 2018, then starting April 28, 2018, 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 28, 2018.

**April 16, 2018**

**Date Issued**

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

  
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Sean Henry  
Member, Landlord and Tenant Board

The tenant has until April 26, 2018 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 26, 2018, 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 28, 2018 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

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### Amount the Tenant must pay

Reasons for amount owing	Period	Amount
Amount owing from previous settlement: (arrear, NSF charges and costs for previous application fee, less any payments that were made by the tenant)	Up to February 28, 2018	\$2,385.00
New Arrear:	March 1, 2018 to April 16, 2018	\$773.42
New NSF Cheque Charges:		\$0.00
New Administration fees related to NSF cheques:		\$0.00
Less the rent deposit:		-\$300.00
Less the interest owing on the rent deposit:	February 1, 2017 to April 16, 2018	-\$6.51
Plus daily compensation owing for each day of occupation starting April 17, 2018		\$29.59(per day)

<b>Total the Tenant must pay the Landlord:</b>	<b>\$2,851.91,</b> <b>+ \$29.59</b> per day starting April 17, 2018
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