



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

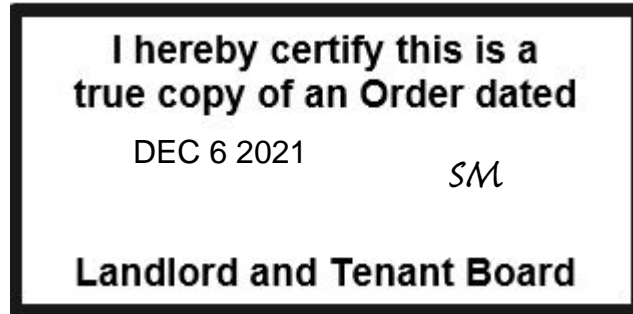
File Number: CEL-02322-21

In the matter of: UPPER UNIT, 114 BIRD STREET
BARRIE ON L4N0W6

Between: Claudia Caicedo
Raul Batero

and

Ashley Burrows



Landlords

Tenant

Claudia Caicedo and Raul Batero (the 'Landlords') applied for an order to terminate the tenancy and evict Ashley Burrows (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 August 9, 2021 with respect to application CEL-98466-21.

This application was heard by video conference on November 12, 2021.

Only the Landlords, and the Landlords' legal representative, T. Landriault, attended the hearing.

Determinations:

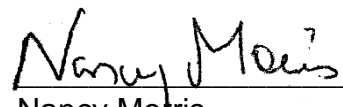
1. The order provided that the Landlord could apply to the Board under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant did not meet certain conditions specified in the order.
2. I find that the Tenant has not met the following condition specified in the order: The Tenant did not pay the Landlords \$2,150.00, or the amount of the monthly rent, on or before August 11, 2021.
3. Because of the Tenant's breach, outlined in paragraph 2 above, the Tenant owes the rent for July, August and September, 2021.
4. The Tenant did not vacate the rental unit on or before October 31, 2021, and therefore the last month's rent deposit was not applied to the October, 2021, rent.

5. 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 Landlord is entitled to request an order for the payment of arrears of rent and compensation.
6. The Tenant was ordered to pay \$6,450.00 for rent arrears in Order CEL-98466-21. The amount that is still owing from that order is \$6,450.00 and that amount is included in this order. As a result, the previous order CEL-98466-21, is cancelled.
7. The Landlord collected a rent deposit of \$2,150.00 from the Tenant and this deposit is still being held by the Landlord.
8. Interest on the rent deposit is owing to the Tenant for the period from December 6, 2020 to December 6, 2021.

It is ordered that:

1. Order CEL-98466-21 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before December 17, 2021.
3. The Tenant shall pay to the Landlord \$11,354.08*. This amount represents the rent owing up to December 6, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
4. The Tenant shall also pay to the Landlord \$70.68 per day for compensation for the use of the unit starting December 7, 2021 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing* on or before December 17, 2021, the Tenant will start to owe interest. This will be simple interest calculated from December 18, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 17, 2021, then starting December 18, 2021, 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 December 18, 2021.

December 6, 2021
Date Issued



Nancy Morris
Member, Landlord and Tenant Board

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

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 June 18, 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.

* Refer to the attached Summary of Calculations.

Summary of Calculations

File Number: CEL-02322-21

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		\$13,504.00
Less the rent deposit:		-\$2,150.00
Less the interest owing on the rent deposit	December 6, 2020 to December 6, 2021	-\$2.16
Plus daily compensation owing for each day of occupation starting December 7, 2021		\$70.68 (per day)

Total the Tenant must pay the Landlord:	\$11,354.08, + \$70.68 per day starting December 7, 2021
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