



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

File Number: SOL-27512-22

In the matter of: 134 ABBEY COURT
OAKVILLE ON L6J4L1

Between: Quang Tuan Phan

and

Henry Sokol-Bielski

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

AUG 30, 2022

Landlord and Tenant Board

Landlord

Tenant

On July 12, 2022, Quang Tuan Phan (the 'Landlord') applied for an order to terminate the tenancy and evict Henry Sokol-Bielski (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 June 28, 2022 with respect to application LTB-L-001301-21.

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 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 condition specified in the order: **The Tenant failed to deliver \$15,000.00 in certified funds to the Landlord's Representative on or before June 23, 2022, the funds not being delivered until June 27, 2022. The Tenant also failed to deliver \$38,736.00 to the Landlord's representative on or before June 28, 2022.**
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 Landlord is entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenant was ordered to pay \$53,550.00 for rent arrears in Order LTB-L-001301-21. The amount that is still owing from that order is \$38,550.00. As this amount exceeds the Board's monetary jurisdiction limit of \$35,000.00, the amount of \$35,000.00 that remains outstanding is included in this order. As a result, the previous order LTB-L-001301-21 is cancelled.

It is ordered that:

1. Order LTB-L-001301-21 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 September 10, 2022.
3. The Tenant shall pay to the Landlord \$35,000.00*. This amount represents the rent owing up to July 31, 2022, limited by the monetary jurisdiction of the Board.
4. The Tenant shall also pay to the Landlord \$115.07 per day for compensation for the use of the unit starting August 1, 2022 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 September 10, 2022, the Tenant will start to owe interest. This will be simple interest calculated from September 11, 2022 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 10, 2022, then starting September 11, 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 September 11, 2022.

August 30, 2022
Date Issued


Ian Speers
Vice Chair, Landlord and Tenant Board

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

The tenant has until September 9, 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 September 9, 2022 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 March 11, 2023 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-27512-22

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		\$35,000.00
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 starting August 1, 2022		\$115.07 (per day)

Total the Tenant must pay the Landlord:	\$35,000.00, + \$115.07 per day starting August 1, 2022
--	--