



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

**File Number:** TSL-25405-21

**In the matter of:** 961, 60 ANN O'REILLY ROAD  
NORTH YORK ON M2J0C8

**Between:** Del Condominium Rentals Inc.

Landlord

**and**

Ishtiaq Ahmed

Tenant

Del Condominium Rentals Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Ishtiaq Ahmed (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 27, 2021 with respect to application HOL-10779-21.

**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 conditions specified in the order.
2. I find that the Tenant has not met the following conditions specified in the order: The Tenant failed to pay \$1,500.00 towards October 2021's rent on time on or before October 12, 2021; the Tenant failed to pay \$600.00 towards the balance of October 2021's rent on or before October 27, 2021; and the Tenant failed to pay November 2021's lawful monthly rent on or before November 1, 2021.
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 \$4,861.00 for rent arrears and NSF cheque charges and the costs related to the Landlord's application fee in Order HOL-10779-21. The amount that is still owing from that order is \$3,961.00 and that amount is included in this order. As a result, the previous order HOL-10779-21 is cancelled.
5. Since the date of the order, the Tenant has failed to pay the full rent that became owing for the period from October 1, 2021 to November 30, 2021.

6. Since the date of the order, the Landlord incurred charges of \$15.00 for a cheque tendered by or on behalf of the Tenant which was returned NSF and \$20.00 for related administration charges.
7. The Landlord collected a rent deposit of \$2,100.00 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 November 1, 2020 to December 31, 2020.

**It is ordered that:**

1. Order HOL-10779-21 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 21, 2021.
3. The Tenant shall pay to the Landlord \$5,278.68\*. This amount represents the rent owing up to December 10, 2021 and the total charges related to the NSF cheque tendered to the Landlord by or on behalf of the Tenant 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.
4. The Tenant shall also pay to the Landlord \$69.04 per day for compensation for the use of the unit starting December 11, 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 21, 2021, the Tenant will start to owe interest. This will be simple interest calculated from December 22, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 21, 2021, then starting December 22, 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 22, 2021.

**December 10, 2021**  
**Date Issued**

Toronto South-RO  
15 Grosvenor Street, 1st Floor  
Toronto ON M7A 2G6



**Jim McMaster**  
Member, Landlord and Tenant Board

The tenant has until December 20, 2021 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 December 20, 2021 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 June 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.

\* Refer to the attached Summary of Calculations.

**Summary of Calculations**

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**Amount the Tenant must pay the Landlord:**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Amount owing from previous order: up to August 31, 2021		\$3,961.00
New rent owing: up to the date of this order	October 1, 2021 to December 10, 2021	\$3,390.40
NSF cheque charges:		\$35.00
Less the rent deposit:		-\$2,100.00
Less the interest owing on the rent deposit	November 1, 2020 to December 31, 2020	-\$7.72
Plus daily compensation owing for each day of occupation starting December 11, 2021		\$69.04 (per day)
<b>Total the Tenant must pay the Landlord:</b>		<b>\$5,278.68, + \$69.04 per day starting December 11, 2021</b>

2021 CanLII 150506 (ON LTB)