



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

File Number: SWL-52028-21

In the matter of: 60 MAX BECKER DRIVE
KITCHENER ON N2E3V8

Between: Prembahadur Bhattachan Landlord

and

Safi Ahmed Tenants
Zainab Jawad

Prembahadur Bhattachan (the 'Landlord') applied for an order to terminate the tenancy and evict Zainab Jawad and Safi Ahmed (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the order issued by the Board on March 11, 2021 with respect to application SWL-41401-20.

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 Tenants to terminate the tenancy and evict the Tenants if the Tenants did not meet certain condition(s) specified in the order.
2. I find that the Tenants have not met the following conditions specified in the order: **The Tenants did not pay \$1,456.00 (rent) on or before June 1, 2021.**
3. The Tenants were ordered to pay \$190.00 for the costs related to the Landlord's application fee in Order SWL-41401-20. The amount that is still owing from that order is \$190.00 and that amount is included in this order. As a result, the previous order SWL-41401-20 is cancelled.
4. Since the date of the order, the Tenants have failed to pay the full rent that became owing for the period from June 1, 2021 to June 30, 2021.
5. The Landlord collected a rent deposit of \$1,350.00 from the Tenants and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenants for the period from January 1, 2013 to June 15, 2021.

It is ordered that:

1. **Order SWL-41401-20 is cancelled.**

2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 26, 2021.
3. As of the date of this order, the Tenants owe no money to the Landlord because the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the that the Landlord is entitled to under this order by \$1,790.50.
4. The Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenants: \$47.87 per day for compensation for the use of the unit starting June 16, 2021 to the date the Tenants move out of the unit.
5. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
6. If the unit is not vacated on or before June 26, 2021, then starting June 27, 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 June 27, 2021.

2021 CanLII 98642 (ON LTB)

June 15, 2021
Date Issued

Tami Cogan
Member, Landlord and Tenant Board

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

The tenant has until June 25, 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 June 25, 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 December 27, 2021 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: SWL-52028-21

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		-\$247.97
Less the rent deposit:		-\$1,350.00
Less the interest owing on the rent deposit	January 1, 2013 to June 15, 2021	-\$192.53
Plus daily compensation owing for each day of occupation starting June 16, 2021		\$47.87 (per day)
Total the Tenants must pay the Landlord:		-\$1,790.50, + \$47.87 per day starting June 16, 2021

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