



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

File Number: SWL-54090-21

In the matter of: 314, 6400 WYANDOTTE STREET E
WINDSOR ON N8S1N6

Between: Amiraco Properties Inc. Landlord

and

Daven Roberts Tenant

Amiraco Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Daven Roberts (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 July 29, 2021 with respect to application SWL-49238-21.

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 pay to the Landlord the monthly rent of \$795.92 due on or before August 1, 2021, which was a breach of paragraph 2(b) of the order. This L4 application was filed with the Board on July 17, 2021 within 30 days of the breach.
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 \$1,911.44 for rent arrears and NSF cheque charges and the costs related to the Landlord's application fee in Order SWL-49238-21. The amount that is still owing from that order is \$1,911.44 and that amount is included in this order. As a result, the previous order SWL-49238-21 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 August 1, 2021 to August 31, 2021.
6. The Landlord collected a rent deposit of \$780.00 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 November 13, 2021 to August 30, 2021.

It is ordered that:

1. Order SWL-49238-21 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, 2021 (standard 11 days from the issuance date of this order).
3. The Tenant shall pay to the Landlord \$1,916.62*. This amount represents the rent owing up to August 30, 2021 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 \$26.17 per day for compensation for the use of the unit starting August 31, 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 September 10, 2021, the Tenant will start to owe interest. This will be simple interest calculated from September 11, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 10, 2021, then starting September 11, 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 September 11, 2021.

August 30, 2021
Date Issued

Michelle Tan
Member, Landlord and Tenant Board

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

The tenant has until September 9, 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 September 9, 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 March 11, 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

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		\$2,696.46
Less the rent deposit:		-\$780.00
Less the interest owing on the rent deposit	November 13, 2021 to August 30, 2021	--\$0.16
Plus daily compensation owing for each day of occupation starting August 31, 2021		\$26.17 (per day)

Total the Tenant must pay the Landlord:	\$1,916.62, + \$26.17 per day starting August 31, 2021
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