



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

File Number: TEL-16661-21

In the matter of: 43 PHILIPS VIEW CRESCENT
RICHMOND HILL ON L4E0S9

Between: Xiu Lian Wu De Chang Landlord

and

Alana Gankina Tenants
Jamie Wisebrod

Xiu Lian Wu De Chang (the 'Landlord') applied for an order to terminate the tenancy and evict Jamie Wisebrod and Alana Gankina (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 12, 2021 with respect to application HOL-07974-20.

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 \$200.00 (arrears) on or before April 15, 2021; or did not pay \$2,800.00 (rent) on or before April 26, 2021.**
3. The previous application included a request for an order for the payment of arrears of rent. The resulting order required the Tenants 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 Tenants were ordered to pay \$30,086.00 for rent arrears and the costs related to the Landlord's application fee in Order HOL-07974-20. The amount that is still owing from that order is -\$228,989.08 and that amount is included in this order. As a result, the previous order HOL-07974-20 is cancelled.
5. Since the date of the order, the Tenants have failed to pay the full rent that became owing for the period from April 26, 2021 to May 25, 2021.
6. The Landlord collected a rent deposit of \$2,800.00 from the Tenants and this deposit is still being held by the Landlord.

7. Interest on the rent deposit is owing to the Tenants for the period from August 24, 2016 to May 11, 2021.

It is ordered that:

1. Order HOL-07974-20 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 May 22, 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 arrears of rent, that the Landlord is entitled to under this order by \$230,522.83.
4. The Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenants: \$92.05 per day for compensation for the use of the unit starting September 16, 2028 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 May 22, 2021, then starting May 23, 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 May 23, 2021.
8. This order terminates the tenancy and permits the Landlord to file the order with Court Enforcement Office (Sheriff) to evict the Tenant. However, as of the date this order was issued, the Sheriff cannot enforce this order as a result of Ontario Regulation 266/21 made under the *Emergency Management and Civil Protection Act* on April 8, 2021. The Tenant cannot be evicted from the rental unit while this regulation is in force. Eviction by the Sheriff may occur after the regulation is removed by the Ontario Government. Further information is available on the LTB's website.

May 11, 2021
Date Issued

Toronto East-RO
2275 Midland Avenue, Unit 2
Toronto ON M1P3E7



Kimberly Parish
Member, Landlord and Tenant Board

The tenant has until May 21, 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 May 21, 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 November 23, 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: TEL-16661-21

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		-\$227,516.21
Less the rent deposit:		-\$2,800.00
Less the interest owing on the rent deposit	August 24, 2016 to May 11, 2021	-\$206.62
Plus daily compensation owing for each day of occupation starting September 16, 2028		\$92.05 (per day)
Total the Tenants must pay the Landlord:		-\$230,522.83, + \$92.05 per day starting September 16, 2028

2021 CanLII 91229 (ON LTB)