



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

File Number: SOL-24242-21

In the matter of: 14 PELHAM DRIVE
ANCASTER ON L9K1L4

Between: Elena Berman Landlord

and

Habeeb Ali Tenants
Titilayo Ali

Elena Berman (the 'Landlord') applied for an order to terminate the tenancy and evict Titilayo Ali and Habeeb Ali (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 July 6, 2021 with respect to application SOL-18764-20.

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 conditions specified in the order.
2. I find that the Tenants have not met the following condition(s) specified in the order: The Tenants failed to pay August 2021's lawful monthly rent in full, on or before August 3, 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 \$2,386.00 for rent arrears and the costs related to the Landlord's application fee in Order SOL-18764-20. The amount that is still owing from that order is \$0.00. As a result, the previous order SOL-18764-20 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 August 1, 2021 to August 31, 2021.
6. The Landlord collected a rent deposit of \$3,400.00 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 1, 2013 to December 31, 2020.

It is ordered that:

1. Order SOL-18764-20 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 September 20, 2021.
3. The Tenants shall pay to the Landlord \$562.50*, which represents the amount of rent owing up to September 9, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
4. The Tenants shall also pay to the Landlord \$118.78 per day for compensation for the use of the unit starting September 10, 2021 to the date the Tenants move out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing* on or before September 20, 2021, the Tenants will start to owe interest. This will be simple interest calculated from September 21, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 20, 2021, then starting September 21, 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 21, 2021.

September 9, 2021
Date Issued

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



Jim McMaster
Member, Landlord and Tenant Board

The tenants have until September 19, 2021 to file a motion with the Board to set aside the order under s. 78(9) of the Act. If the tenants file the motion by September 19, 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 21, 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 Tenants must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order: up to June 30, 2021		\$0.00
New rent owing: up to the date of this order	August 1, 2021 to September 9, 2021	\$4,392.02
Less the rent deposit:		-\$3,400.00
Less the interest owing on the rent deposit	August 1, 2013 to September 9, 2021	-\$429.52
Plus daily compensation owing for each day of occupation starting September 10, 2021		\$111.78 (per day)

Total the Tenants must pay the Landlord:	\$562.50, + \$111.78 per day starting September 10, 2021
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