



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

**File Number:** CEL-04776-22-AM

**In the matter of:** 21 BEDFORD ESTATES CRESCENT  
BARRIE ON L4N9K5

**Between:** Rahul Odhavji

Landlord

and

Marlene Samms

Tenant

I hereby certify this is a  
true copy of an Order dated

**MAY 06, 2022**

Landlord and Tenant Board

**Pursuant to a request filed by the Landlord on May 5, 2022, the order is clerically amended (The Tenant's name). The correction has been bolded and underlined for ease of reference.**

Rahul Odhavji (the 'Landlord') applied for an order to terminate the tenancy and evict Marlene Samms (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 March 14, 2022 with respect to application CEL-04204-21.

**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 did not pay \$5,943.00 towards costs and arrears on or before April 7, 2022.
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 \$11,886.00 for rent arrears and the costs related to the Landlord's application fee in Order CEL-04204-21. The amount that is still owing from that order is \$11,886.00 and that amount is included in this order.

5. Since the date of the order, the Tenant has failed to pay the full rent that became owing for the period from March 15, 2022 to April 14, 2022.
6. The Landlord collected a rent deposit of \$1,950.00 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 February 3, 2020 to May 5, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 16, 2022.
2. The Tenant shall pay to the Landlord \$11,854.76\*. This amount represents the rent owing up to April 14, 2022 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.
3. The Tenant shall also pay to the Landlord \$64.11 per day for compensation for the use of the unit starting May 6, 2022 to the date the Tenant moves out of the unit.
4. If the Tenant does not pay the Landlord the full amount owing\* on or before May 16, 2022, the Tenant will start to owe interest. This will be simple interest calculated from May 17, 2022 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before May 16, 2022, then starting May 17, 2022, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 17, 2022.

**May 5, 2022**  
**Date Issued**

**May 6, 2022**  
**Date Amended**



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Vladislav Shustov  
Member, Landlord and Tenant Board

Central-RO  
3 Robert Speck Pkwy, 5th Floor  
Mississauga ON L4Z2G5

The tenant has until May 16, 2022 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 16, 2022 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 17, 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**

**File Number: CEL-04776-22-AM**

**Amount the Tenant must pay**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Amount owing from previous order or settlement plus New Arrears and New NSF cheque charges and related administration charges		\$13,836.00
Less the rent deposit:		-\$1,950.00
Less the interest owing on the rent deposit	February 3, 2020 to April 14, 2022	-\$31.24
Plus daily compensation owing for each day of occupation starting April 15, 2022		\$64.11 (per day)

<b>Total the Tenant must pay the Landlord:</b>	<b>\$11,854.76, + \$64.11 per day starting April 15, 2022</b>
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