



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

File Number: SOL-26560-21

In the matter of: UNIT#1 (UPPER), 740 ARVIN AVENUE
STONE CREEK ON L8E5N1

Between: Gino Yachetti Landlord

and

Brian Tessier Tenant

On November 17, 2021, Gino Yachetti (the 'Landlord') applied for an order to terminate the tenancy and evict Brian Tessier (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 November 2, 2021 with respect to application SOL-23671-21.

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 \$1,100.00 on or before November 13, 2021 towards rent. The Tenant paid \$800.00.

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 \$186.00 for the costs related to the Landlord's application fee in Order SOL-23671-21. The amount that is still owing from that order is \$186.00 and that amount is included in this order. As a result, the previous order SOL-23671-21 is cancelled.

It is ordered that:

1. Order SOL-23671-21 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 January 21, 2022.
3. The Tenant shall pay to the Landlord \$186.00. This amount represents the costs related to the application fee for the previous application.
4. The Tenant shall also pay to the Landlord \$36.16 per day for compensation for the use of the unit starting January 11, 2022 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 January 21, 2022, the Tenant will start to owe interest. This will be simple interest calculated from January 22, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 21, 2022, then starting January 22, 2022, 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 January 22, 2022.

2022 CanLII 55192 (ON LTB)

January 10, 2022
Date Issued



Vladislav Shustov
Member, Landlord and Tenant Board

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

The tenant has until January 20, 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 January 20, 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 July 22, 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.