



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

File Number: SOL-24870-21

In the matter of: 908, 273 VINE STREET
ST CATHARINES ON L2M7P7

Between: Q Res V Operating LP Landlord

and

April Lepore Tenant

Q Res V Operating LP (the 'Landlord') applied for an order to terminate the tenancy and evict April Lepore (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 August 24, 2021 with respect to application SOL-20068-21.

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 conditions specified in the order:

The Tenant failed to pay the full lawful rent for August 2021 on or before September 4, 2021 which was a breach of paragraph 2 of the prior order.

The Tenant also failed to pay \$1,000.00 towards the outstanding arrears on or before September 15, 2021 which was a breach of paragraph 1(a) of the prior order.

This L4 application was filed on September 21, 2021 within 30 days of the breaches described above

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 \$6,326.19 for rent arrears and the costs related to the Landlord's application fee in Order SOL-20068-21. The amount that is still owing from that order is \$6,326.19 and that amount is included in this order. As a result, the previous order SOL-20068-21 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 September 30, 2021.
6. On June 1, 2017 the Landlord collected a rent deposit of \$1,420.37 from the Tenant and this deposit is still being held by the Landlord.
7. Interest on the rent deposit was last paid out up to June 30, 2021. There is no new interest owing as no guideline rent increase was allowed (and subsequently no interest on deposit was required) for 2021 due to COVID19.

It is ordered that:

1. Order SOL-20068-21 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 October 26, 2021 (standard 11 days from the issuance date of this order).

Refer to attached Summary of Calculations

3. The Tenant shall pay to the Landlord **\$7,746.56***. This amount represents the rent owing up to September 30, 2021 and the costs related to the application fee for the previous application, less the rent deposit.
4. The Tenant shall also pay to the Landlord \$46.70 per day for compensation for the use of the unit starting October 1, 2021 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing of **\$7,746.56*** on or before October 26, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 27, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 26, 2021, then starting October 27, 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 October 27, 2021.

October 15, 2021
Date Issued



Michelle Tan
Member, Landlord and Tenant Board

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

The tenant has until October 25, 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 October 25, 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 April 27, 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.

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Summary of Calculations

File Number: SOL-24870-21

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		\$9,166.93
Less the rent deposit:		-\$1,420.37
Plus daily compensation owing for each day of occupation starting October 1, 2021		\$46.70 (per day)

Total the Tenant must pay the Landlord:	\$7,746.56*, + \$46.70 per day starting October 1, 2021
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