



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

File Number: TSL-25390-21

In the matter of: 1000, 222 ELM STREET
TORONTO ON M5T1K5

Between: Elm Place Inc. Landlord

and

Keshav Moosai Tenant

Elm Place Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Keshav Moosai (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 September 22, 2021 with respect to application TSL-19048-20.

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 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 \$1,100.00 towards October 2021's rent on or before October 8, 2021. The Tenant failed to pay \$487.00 towards October 2021's rent and \$613.00 towards the arrears on or before October 22, 2021.
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 \$12,369.00 for rent arrears and the costs related to the Landlord's application fee in Order TSL-19048-20. The amount that is still owing from that order is \$8,330.00 and that amount is included in this order. As a result, the previous order TSL-19048-20 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 October 1, 2021 to November 30, 2021.

6. The Landlord collected a rent deposit of \$1,587.00 from the Tenant and this deposit is still being held by the Landlord.
7. Interest on the rent deposit has been paid to the Tenant up to December 31, 2020. There is no further interest owing since there was no guideline rent increase allowed (consequently no interest) in 2021 due to COVID19.

It is ordered that:

1. Order TSL-19048-20 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 December 5, 2021.
3. The Tenant shall pay to the Landlord \$10,322.03*. This amount represents the rent owing up to November 24, 2021 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.
4. The Tenant shall also pay to the Landlord \$52.18 per day for compensation for the use of the unit starting November 25, 2021 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 December 5, 2021, the Tenant will start to owe interest. This will be simple interest calculated from December 6, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 5, 2021, then starting December 6, 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 December 6, 2021.

November 24, 2021
Date Issued



Nicola Mulima
Member, Landlord and Tenant Board

Toronto South-RO
15 Grosvenor Street, 1st Floor
Toronto ON M7A 2G6

The tenant has until December 4, 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 December 4, 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 June 6, 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 Tenant must pay to the Landlord

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: Up to October 31, 2021		\$11,504.00
New rent due up to the date of this order: November 1, 2021 to November 24, 2021		\$422.64
Less the rent deposit:		-\$1,587.00
Less the interest owing on the rent deposit	July 1, 2020 to November 24, 2021	-\$17.61
Plus daily compensation owing for each day of occupation starting November 25, 2021		\$52.18 (per day)

Total the Tenant must pay the Landlord:	\$10,322.03, + \$52.18 per day starting November 25, 2021
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