



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

File Number: TSL-24385-21

In the matter of: 1205, 33 DAVISVILLE AVENUE
TORONTO ON M4S2Y9

Between: RPMS Management Landlord

and

Lalita Padathe Tenant

RPMS Management (the 'Landlord') applied for an order to terminate the tenancy and evict Lalita Padathe (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 18, 2021 with respect to application TSL-21562-21.

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:

In the August 8, 2019 mediated settlement between the Landlord and the Tenant, it states that: “a) For a period of 12 consecutive months starting September 1, 2021, the Tenant shall allow the Landlord entry to the rental unit when given proper notice of entry by the Landlord.”

On September 9, 2021, the Landlord issued a Notice of Entry giving the Tenant notice of their entry into the unit on September 13, 2021 to perform an inspection of the unit. On September 13, 2021, when the Landlord attempted to enter the rental unit to perform the inspection, the door to the rental unit was secured from within by a top lock. The Tenant refused to allow the Landlord entry into the unit.

3. The Tenant was ordered to pay \$186.00 for and the costs related to the Landlord's application fee in Order TSL-21562-21. The amount that is still owing from that order is \$92.00 and that amount is included in this order. As a result, the previous order TSL-21562-21 is cancelled.

4. The Landlord collected a rent deposit of \$1,254.26 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenant for the period from March 1, 2020 to December 31, 2020.

It is ordered that:

1. Order TSL-21562-21 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 November 1, 2021.
3. As of the date of this order, the Tenant owes no money to the Landlord because the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the that the Landlord is entitled to under this order by \$1,185.39.
4. The Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenant: \$41.24 per day for compensation for the use of the unit starting October 22, 2021 to the date the Tenant moves out of the unit.
5. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
6. If the unit is not vacated on or before November 1, 2021, then starting November 2, 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 November 2, 2021.



October 21, 2021

Date Issued

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

Nicola Mulima
Member, Landlord and Tenant Board

The tenant has until November 1, 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 November 1, 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 May 2, 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: TSL-24385-21

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		\$92.00
Less the rent deposit:		-\$1,254.26
Less the interest owing on the rent deposit	March 1, 2020 to December 31, 2020	-\$23.13
Plus daily compensation owing for each day of occupation starting October 22, 2021		\$41.24 (per day)

Total the Tenant must pay the Landlord:	-\$1,185.39, + \$41.24 per day starting October 22, 2021
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