

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

**File Number:** TNL-35439-21

**In the matter of:** 1204, 5 TANGREEN COURT  
TORONTO ON M2M3Z1

**Between:** Capreit Limited Partnership Landlord

**and**

Milana Levkovich Tenant

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Milana Levkovich (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 June 21, 2021 with respect to application TNL-29214-20.

**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 conditions 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 \$1,000.00 towards arrears on or before October 15, 2021. The Tenant also failed to pay rent in the amount of \$1,544.89 on or before October 1, 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 \$6,243.47 for rent arrears and NSF cheque charges and the costs related to the Landlord's application fee in Order TNL-29214-20. The amount that is still owing from that order is \$1,698.58 and that amount is included in this order. As a result, the previous order TNL-29214-20 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 October 31, 2021.

6. Since the date of the order, the Landlord incurred charges of \$5.00 for cheques tendered by or on behalf of the Tenant which were returned NSF and \$20.00 for related administration charges.
7. The Landlord collected a rent deposit of \$1,544.89 from the Tenant and this deposit is still being held by the Landlord.
8. Interest on the rent deposit is owing to the Tenant for the period from August 1, 2020 to November 26, 2021.

**It is ordered that:**

1. Order TNL-29214-20 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 7, 2021.
3. The Tenant shall pay to the Landlord \$1,721.55\*. This amount represents the rent owing up to October 31, 2021 and the total charges related to NSF cheques tendered to the Landlord by or on behalf of the Tenant 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 \$50.79 per day for compensation for the use of the unit starting December 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\* on or before December 7, 2021, the Tenant will start to owe interest. This will be simple interest calculated from December 8, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 7, 2021, then starting December 8, 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 8, 2021.

**November 26, 2021**  
**Date Issued**



Kimberly Parish  
Member, Landlord and Tenant Board

Toronto North-RO  
47 Sheppard Avenue East, Suite 700, 7th Floor  
Toronto ON M2N5X5

The tenant has until December 6, 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 6, 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 8, 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: TNL-35439-21

### 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		\$3,268.47
Less the rent deposit:		-\$1,544.89
Less the interest owing on the rent deposit	August 1, 2020 to November 26, 2021	-\$2.03
Plus daily compensation owing for each day of occupation starting November 01, 2021		\$50.79 (per day)

<b>Total the Tenant must pay the Landlord:</b>	<b>\$1,721.55, + \$50.79 per day starting November 01, 2021</b>
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