



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

**File Number:** SOL-23505-21

**In the matter of:** 204, 33 CARDIGAN STREET  
GUELPH ON N1H3Z5

**Between:** Homestead Land Holdings Limited

Landlord

**and**

Bonnie Mochrie

Tenant

Homestead Land Holdings Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Bonnie Mochrie (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 July 13, 2021 with respect to application SOL-19144-21.

This application was heard in Passcode: 910 9539 0063# on October 20, 2021. The Landlord's representative Crystal Sankey, and the Tenant, attended the hearing.

**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. The Landlord and the Tenant entered a consent for order SOL-19144.21 with the assistance of a Board Dispute Resolution Officer. At the time the Tenant owed the Landlord \$15,947.74 to the end of June 2021. The Tenant was to make payments including the monthly rent on or before each month as well as the cost of the application on or before July 1, 2021, \$3,000.00 on or before July 21<sup>st</sup>, \$2,000.00 on or before each of August, September. October was due the day after this hearing.
3. Since the hearing where the consent terms were presented the Tenant has paid the Landlord \$47.95. The lawful monthly rent is \$1,006.11. The Tenant owes the Landlord to the end of October \$18,759.10.
4. I find that the Tenant has not met the conditions of the order. The Tenant now owes the Landlord more than one and a half year of rent.

5. The Tenant testified that her husband passed away and things have been difficult. The Landlord's representative submits that this sad event happened in 2014. This occurred seven years before the Tenant entered into the agreement with the Landlord.
6. The Landlord collected a rent deposit of \$978.43 from the Tenant and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenant for the period from November 1, 2020 to October 26, 2021.
8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**It is ordered that:**

1. Order SOL-19144-21 issued on July 13, 2021 is cancelled and replaced with the following:
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before November 6, 2021.
3. The Tenant shall pay to the Landlord \$17,779.70. This amount represents the rent owing up to October 31, 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 \$33.08 per day for compensation for the use of the unit starting November 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 November 6, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 7, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before November 6, 2021, then starting November 7, 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 7, 2021.



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Greg Joy  
Member, Landlord and Tenant Board

**October 28, 2021**  
**Date Issued**

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

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 7, 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.

