



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

File Number: CEL-03331-21

In the matter of: 4, 250 MILLARD STREET
ORILLIA ON L3V4H3

Between: Helen Mah
Kelly Mah
Hocking Management Corporation

Landlords

and

Eric Takacs
Kayla Zachariah

Tenants

Helen Mah, Kelly Mah and Hocking Management Corporation (the 'Landlords') applied for an order to terminate the tenancy and evict Kayla Zachariah and Eric Takacs (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the order issued by the Board on May 7, 2021 with respect to application CEL-96664-20.

Determinations:

1. The order provided that the Landlords could apply to the Board under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if the Tenants did not meet certain condition(s) specified in the order.
2. I find that the Tenants have not met the following conditions specified in the order: The Tenants failed to pay \$727.00 towards the arrears on or before September 15, 2021. The Tenants failed to pay the lawful monthly rent in full 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 Tenants to pay rent or some or all of the arrears of rent. Accordingly, in addition to eviction, the Landlords are entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenants were ordered to pay \$6,225.00 for rent arrears and the costs related to the Landlord's application fee in Order CEL-96664-20. The amount that is still owing from that order is \$4,042.50 and that amount is included in this order. As a result, the previous order CEL-96664-20 is cancelled.

5. Since the date of the order, the Tenants have failed to pay the full rent that became owing for the period from August 1, 2021, 2021 to October 31, 2021.
6. The Landlords collected a rent deposit of \$1,250.00 from the Tenants and this deposit is still being held by the Landlords.
7. Interest on the rent deposit is owing to the Tenants for the period from August 16, 2017 to December 31, 2020 which is included in this order. 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 CEL-96664-20 is cancelled.
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before November 20, 2021.
3. The Tenants shall pay to the Landlords \$5,103.65*. This amount represents the rent owing up to November 9, 2021 and the costs related to the application fee for the previous application, less the rent deposit and interest the Landlords owe on the rent deposit.
4. The Tenants shall also pay to the Landlords \$41.84 per day for compensation for the use of the unit starting November 10, 2021 to the date the Tenants move out of the unit.
5. If the Tenants do not pay the Landlords the full amount owing* on or before November 20, 2021, the Tenants will start to owe interest. This will be simple interest calculated from November 21, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before November 20, 2021, then starting November 21, 2021, the Landlords 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 Landlords on or after November 21, 2021.

November 9, 2021
Date Issued

Michael Di Salle

Michael Di Salle
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

The tenant has until November 19, 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 19, 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 21, 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: CEL-03331-21

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		\$6,060.00
New rent owing from November 1, 2021 to November 9, 2021		\$376.56
Less the rent deposit:		-\$1,250.00
Less the interest owing on the rent deposit	August 16, 2017 to December 31, 2020	-\$82.91
Plus daily compensation owing for each day of occupation starting November 10, 2021		\$41.84 (per day)

Total the Tenants must pay the Landlord:	\$5,103.65, + \$41.84 per day starting November 10, 2021
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