



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

File Number: EAL-98317-21

In the matter of: 176 ROW PLACE
BROCKVILLE ON K6V6V2

Between: Zhutuan Miao Landlords
Bin Deng

and

Daniel David Bernard Wilson Tenant

Zhutuan Miao and Bin Deng (the 'Landlords') applied for an order to terminate the tenancy and evict Daniel David Bernard Wilson (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 20, 2021 with respect to application EAL-96300-21-SA.

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 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: The Tenant failed to pay the lawful monthly rent in full, on or before October 15, 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 Landlords are entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenant was ordered to pay \$7,116.20 for rent arrears in Order EAL-96300-21-SA. The amount that is still owing from that order is \$2,116.20 and that amount is included in this order. As a result, the previous order EAL-96300-21-SA is cancelled.
5. The Landlords collected a rent deposit of \$1,800.00 from the Tenant and this deposit is still being held by the Landlords.

Interest on the rent deposit has been paid to the Tenant up 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 EAL-96300-21-SA is cancelled.
2. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before December 4, 2021.
3. The Tenant shall pay to the Landlords \$2,543.53*. This amount represents the rent owing up to November 23, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
4. The Tenant shall also pay to the Landlords \$59.18 per day for compensation for the use of the unit starting November 24, 2021 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlords the full amount owing* on or before December 4, 2021, the Tenant will start to owe interest. This will be simple interest calculated from December 5, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 4, 2021, then starting December 5, 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 December 5, 2021.



November 23, 2021
Date Issued

Nicola Mulima
Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9

The tenant has until December 3, 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 3, 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 5, 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: EAL-98317-21

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 November 14, 2021		\$3,916.20
New rent due up to the date of this order: November 15, 2021 to November 23, 2021		\$473.44
Less the rent deposit:		-\$1,800.00
Less the interest owing on the rent deposit	November 3, 2019 to December 31, 2020	-\$46.11
Plus daily compensation owing for each day of occupation starting November 24, 2021		\$59.18 (per day)

Total the Tenant must pay the Landlord:	\$2,543.53, + \$59.18 per day starting November 24, 2021
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