



Order under Section 78
Residential Tenancies Act, 2006

File Number: SWL-58242-22-SA

In the matter of: 34 BOWCOTT CRESCENT
LONDON ON N5V4W8

Between: Hari Gudiwada

and

Carolina Osegueda
Joseph Veneau



Landlord

Tenants

Hari Gudiwada (the 'Landlord') applied for an order to terminate the tenancy and evict Carolina Osegueda and Joseph Veneau (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 January 27, 2022 with respect to application SWL-55887-21.

This application was heard by videoconference on August 2, 2022. Only the Landlord's Legal Representative, Bavithra Vigneswarajah, attended the hearing. As of 1:30 p.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

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 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 condition specified in the order:

The tenants failed to make the required payment of \$2395.00 on or before April 1, 2022 and the tenants further failed to make the payment of \$2011.00 on or before April 20, 2022.
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 Landlord is entitled to request an order for the payment of arrears of rent and compensation.

4. Since the date of the order, the Tenants have failed to pay the full rent that became owing for the period from April 1, 2022 to August 31, 2022.
5. The Landlord collected a rent deposit of \$2,395.00 from the Tenants and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenants for the period from August 1, 2021 to August 4, 2022.
7. 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 SWL-55887-21 is cancelled.
2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before August 15, 2022.
3. The Tenants shall pay to the Landlord \$9,646.92*. This amount represents the rent owing up to August 4, 2022 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 Tenants shall also pay to the Landlord \$78.74 per day for compensation for the use of the unit starting August 5, 2022 to the date the Tenants move out of the unit.
5. If the Tenants do not pay the Landlord the full amount owing* on or before August 15, 2022, the Tenants will start to owe interest. This will be simple interest calculated from August 16, 2022 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 15, 2022, then starting August 16, 2022, 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 August 16, 2022.

August 4, 2022
Date Issued



Khalid Akram
Member, Landlord and Tenant Board

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

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 February 16, 2023 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

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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		\$12,070.96
Less the rent deposit:		-\$2,395.00
Less the interest owing on the rent deposit	August 1, 2021 to August 4, 2022	-\$29.04
Plus daily compensation owing for each day of occupation starting August 5, 2022		\$78.74 (per day)

Total the Tenants must pay the Landlord:	\$9,646.92, + \$78.74 per day starting August 5, 2022
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