



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

**File Number:** SOL-23004-21

**In the matter of:** 308 BRANTWOOD PARK ROAD  
BRANTFORD ON N3P1L2

**Between:** Adam Wissink Landlord  
  
**and**  
  
Jaya Maharaj Tenants  
Shawn Barna

Adam Wissink (the 'Landlord') applied for an order to terminate the tenancy and evict Jaya Maharaj and Shawn Barna (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 June 29, 2021 with respect to application SOL-17836-20.

**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 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 to the Landlord \$500.00 (arrears) on or before June 15, 2021, which was a breach of paragraph 2(a) of the consent order issued June 29, 2021.**

**The Tenants also failed to pay to the Landlord \$1,600.00 (balance of rent) on or before June 20, 2021, which was a breach of paragraph 2(b) of the consent order issued June 29, 2021.**

**This L4 application was filed on July 13, 2021 within 30 days of these breaches.**

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. The Tenants were ordered to pay \$7,600.00 for rent arrears in Order SOL-17836-20. The amount that is still owing from that order is \$5,500.00 and that amount is included in this order. As a result, the previous order SOL-17836-20 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 July 1, 2021 to July 31, 2021.
6. The Landlord collected a rent deposit of \$3,100.00 from the Tenants and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenants for the period from December 1, 2019 to July 20, 2021.

**It is ordered that:**

1. Order SOL-17836-20 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 July 31, 2021 (standard 11 days from the issuance date of this order).
3. The Tenants shall pay to the Landlord \$1,268.02\*. This amount represents the rent owing up to July 20, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
4. The Tenants shall also pay to the Landlord \$101.92 per day for compensation for the use of the unit starting July 21, 2021 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 July 31, 2021, the Tenants will start to owe interest. This will be simple interest calculated from August 1, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 31, 2021, then starting August 1, 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 August 1, 2021.

**July 20, 2021**  
**Date Issued**

  
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Michelle Tan  
Member, Landlord and Tenant Board

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

The tenant has until July 30, 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 July 30, 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 February 1, 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

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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		\$4,438.36
Less the rent deposit:		-\$3,100.00
Less the interest owing on the rent deposit	December 1, 2019 to July 20, 2021	-\$70.34
Plus daily compensation owing for each day of occupation starting July 21, 2021		\$101.92 (per day)

<b>Total the Tenants must pay the Landlord:</b>	<b>\$1,268.02, + \$101.92 per day starting July 21, 2021</b>
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