

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

File Number: SOL-98046-18

In the matter of: 98 WATERLOO STREET
BRANTFORD ON N3T3S2

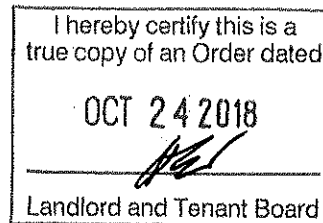
Between: Glenn Brown

Landlord

and

Dustin Adams
Gloria Mcallister

Tenants



Glenn Brown (the 'Landlord') applied for an order to terminate the tenancy and evict Gloria Mcallister and Dustin Adams (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 October 9, 2018 with respect to application SOL-95179-18.

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 pay \$250.00 towards the outstanding arrears on or before October 5, 2018.**
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 \$8,875.00 for rent arrears and the costs related to the Landlord's application fee in Order SOL-95179-18. The amount that is still owing from that order is \$8,493.63 and that amount is included in this order. As a result, the previous order SOL-95179-18 is cancelled.
5. The Landlord collected a rent deposit of \$1,450.00 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenants for the period from November 30, 2017 to October 23, 2018.

It is ordered that:

1. Due to a potential Canada Post strike, the Landlord must immediately give a copy of this Order to the Tenants by:


- Handing it to the tenants;
- Handing it to an adult person in the rental unit;
- Leaving it in the tenants' mailbox; or,
- If there is no mailbox, leaving it at the place where mail is ordinarily delivered to the tenants; or
- Placing a copy of the order under the door of the rental unit or through a mail slot in the door; or
- If there is a fax machine where the tenants reside, by fax.

The Landlord shall not use regular mail, registered mail, Xpresspost or any courier service that is used by Canada Post to deliver the Order.

2. The Order issued on October 9, 2018 for file SOL-95179-18 is cancelled.
3. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before November 3, 2018.
4. The Tenants shall pay to the Landlord \$7,020.18*. This amount represents the rent owing up to October 23, 2018 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.
5. The Tenants shall also pay to the Landlord \$47.67 per day for compensation for the use of the unit starting November 1, 2018 to the date the Tenants move out of the unit.
6. If the Tenants do not pay the Landlord the full amount owing* on or before November 3, 2018, the Tenants will start to owe interest. This will be simple interest calculated from November 4, 2018 at 3.00% annually on the balance outstanding.
7. If the unit is not vacated on or before November 3, 2018, then starting November 4, 2018, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 4, 2018.

October 23, 2018
Date Issued

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



Petar Guzina
Member, Landlord and Tenant Board

The Tenants have until November 2, 2018 to file a motion with the Board to set aside the order under s. 78(9) of the Act. If the Tenants file the motion by November 2, 2018, 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 4, 2019 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: SOL-98046-18

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		\$8,493.63
Less the rent deposit:		-\$1,450.00
Less the interest owing on the rent deposit	November 30, 2017 to October 23, 2018	-\$23.45
Plus daily compensation owing for each day of occupation starting November 1, 2018		\$47.67 (per day)

Total the Tenants must pay the Landlord:	\$7,020.18, + \$47.67 per day starting November 1, 2018
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Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-95179-18

In the matter of: 98 WATERLOO STREET
BRANTFORD ON N3T3S2

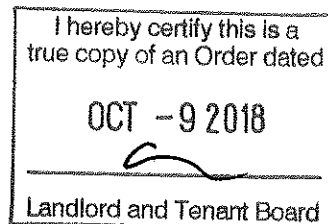
Between: Glenn Brown
Pamela O'hagan

Landlords

And

Dalton Smith
Dustin Adams
Gloria Mcallister

Tenants



Glenn Brown (GB) and Pamela O'hagan (PO) (the 'Landlords') applied for an order to terminate the tenancy and evict Gloria Mcallister, (GM), Dalton Smith, (DS), and Dustin Adams, (DA), (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in Brantford on October 3, 2018.

One of the Landlords, GB, and one of the Tenants, DA, attended the hearing, at which time DA testified that the Tenants waived Duty Counsel. The parties agreed that the Tenants have not paid \$8,700.00 of the total rent the Tenants were required to pay for the period from May 1, 2018 to October 31, 2018. The parties consented to the following terms. I am satisfied that the Tenants understood the terms and their consequences and freely entered into the terms.

On consent it is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before November 30, 2018.
2. If the unit is not vacated on or before November 30, 2018, then starting December 1, 2018, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 1, 2018.
4. On or before the following dates in 2018, the Tenants shall pay \$250.00 to the Landlords towards the outstanding balance of the arrears: October 5, 12, 19, 26 and November 2, 9, 16, 23 and 30.

5. If the Tenants fail to comply with paragraph 4, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* for an order terminating the tenancy and evicting the Tenants. The Landlords must make the application within 30 days of the Tenants' breach.
6. On or before December 1, 2018, the Tenants shall pay \$6,625.00 in satisfaction of the balance of the arrears.

October 9, 2018
Date Issued



Sean Henry
Member, Landlord and Tenant Board

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 June 1, 2019 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.