



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

File Number: TEL-16729-21

In the matter of: B5, 3941 LAWRENCE AVENUE EAST
TORONTO ON M1G1R9

Between: Toronto Community Housing Corporation

Landlord

and

Tanisha Williams

Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Tanisha Williams (the 'Tenant') and for an order to have the Tenant pay the rent he owes because the Tenant failed to meet a condition specified in the mediated settlement issued by the Board on October 1, 2019 with respect to application TEL-03756-19.

Determinations:

1. The mediated settlement provided that the Landlord 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 conditions specified in the settlement.
2. I find that the Tenant has not met the following conditions specified in the settlement: The Tenant failed to pay rent in the amount of \$584.00 on or before April 1, 2021. The Tenant did make a payment of \$600.00 on April 6, 2021. The Tenant failed to pay arrears of \$200.00 on or before April 20, 2021. The amount of \$584.00 was applied towards rent for April and the balance of \$16.00 towards arrears leaving a balance owing of \$184.00 towards arrears.
3. The previous application included a request for an order for the payment of arrears of rent. The resulting mediated settlement required the Tenant 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 amount that is still owing, according to the terms of the mediated settlement, for arrears of rent, and the costs related to the application fee for the previous application is \$2,583.01.
5. Since the date of the mediated settlement, the Tenant has failed to pay the full rent that became owing for the period from March 1, 2020 to April 30, 2021.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 22, 2021.
2. The Tenant shall pay to the Landlord \$6,087.01*. This amount represents the rent owing up to May 11, 2021 and the costs related to the application fee for the previous application.
3. The Tenant shall also pay to the Landlord \$19.20 per day for compensation for the use of the unit starting May 12, 2021 to the date the Tenant moves out of the unit.
4. If the Tenant does not pay the Landlord the full amount owing* on or before May 22, 2021, the Tenant will start to owe interest. This will be simple interest calculated from May 23, 2021 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before May 22, 2021, then starting May 23, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 May 23, 2021.
7. This order terminates the tenancy and permits the Landlord to file the order with Court Enforcement Office (Sheriff) to evict the Tenant. However, as of the date this order was issued, the Sheriff cannot enforce this order as a result of Ontario Regulation 266/21 made under the *Emergency Management and Civil Protection Act* on April 8, 2021. The Tenant cannot be evicted from the rental unit while this regulation is in force. Eviction by the Sheriff may occur after the regulation is removed by the Ontario Government. Further information is available on the LTB's website.

May 11, 2021
Date Issued

Michael Di Salle

Michael Di Salle
Member, Landlord and Tenant Board

Toronto East-RO
2275 Midland Avenue, Unit 2
Toronto ON M1P3E7

The tenant has until May 21, 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 May 21, 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 November 23, 2021 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: TEL-16729-21

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		\$6,087.01
Less the rent deposit:		-\$0.00
Less the interest owing on the rent deposit		-\$0.00
Plus daily compensation owing for each day of occupation starting May 12, 2021		\$19.20 (per day)

Total the Tenant must pay the Landlord:	\$6,087.01, + \$19.20 per day starting May 12, 2021
--	--

2021 CanLII 91160 (ON LTB)