



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

File Number: TNL-36279-21

In the matter of: 695 NASHVILLE ROAD
KLEINBURG ON L0J1C0

Between: Avant Management Services Inc.

Landlord

and

Gabriella Fiore-soufiani

Tenant

On November 27, 2021, Avant Management Services Inc. (the 'Landlord') applied in this L4 application for an order to terminate the tenancy and evict Gabriella Fiore-soufiani (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 consent order issued by the Board on November 8, 2021 with respect to L1 application TNL-33676-21.

Determinations:

1. The consent 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 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 \$28,000.00 towards the arrears, on or before November 5, 2021. This was a breach of paragraph 5(b) of the consent order. This L4 application was filed within 30 days of the breach.**
3. The previous L1 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, in this L4 application the Landlord is entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenant was ordered to pay \$35,000.00 for rent arrears in the previous consent Order TNL-33676-21. The Tenant failed to make any payments towards the previous consent order, so the amount that is still owing from that order is \$35,000.00 and that amount is included in this order. As a result, the previous consent order TNL-33676-21 is cancelled.

It is ordered that:

1. The previous consent order TNL-33676-21 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before January 24, 2022 (standard 11 days from the issuance date of this order).
3. If the Tenant made any payments after this L4 application was filed, those amounts shall be deducted from the calculations below.
4. The Tenant shall pay to the Landlord \$38,853.97*. This amount represents the rent owing up to January 31, 2022 (the issuance date of this order).
5. The Tenant shall also pay to the Landlord \$88.77 per day for compensation for the use of the unit starting January 14, 2022 to the date the Tenant actually moves out of the rental unit or gets evicted.
6. If the Tenant does not pay the Landlord the full amount owing* on or before January 24, 2022, the Tenant will start to owe interest. This will be simple interest calculated from January 25, 2022 at 2.00% annually on the balance outstanding.
7. If the unit is not vacated on or before January 24, 2022, then starting January 25, 2022, 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 January 25, 2022.

January 13, 2022
Date Issued



Michelle Tan
Member, Landlord and Tenant Board

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

The tenant has until January 23, 2022 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 January 23, 2022 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 July 25, 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 to the Landlord

Reason for amount owing	Period	Amount
Amount owing from previous consent order (\$35,000.00 up to October 31, 2021) plus New Arrears and New NSF cheque charges and related administration charges (\$0.00 up to November 30, 2021)		\$35,000.00
New rent due up to the date of this order: December 1, 2021 to January 13, 2022		\$3,853.97
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 January 14, 2022		\$88.77 (per day)

Total the Tenant must pay the Landlord:	\$38,853.97*, + \$88.77 per day starting January 14, 2022
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