



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

File Number: TNL-36206-21

In the matter of: 1906, 411 DUPLEX AVENUE
TORONTO ON M4R1V2

Between: Capreit Limited Partnership Landlord

and

Julian Morley Tenant

On November 15, 2021, Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Julian Morley (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 order issued by the Board on August 23, 2021 with respect to application TNL-32189-21.

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 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 to the Landlord \$900.00 on or before October 24, 2021 towards arrears of rent.
3. The previous 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, the Landlord is entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenant was ordered to pay \$4,237.87 for rent arrears and NSF cheque charges and the costs related to the Landlord's application fee in Order TNL-32189-21. The amount that is still owing from that order is \$2,437.87 and that amount is included in this order. As a result, the previous order TNL-32189-21 is cancelled.
5. **Since the date of the order, the Tenant has also failed to pay the full rent that became owing for the period from November 1, 2021 to November 30, 2021.**
6. Since the date of the order, the Landlord incurred charges of \$10.00 for cheques tendered by or on behalf of the Tenant which were returned NSF and \$40.00 for related administration charges.

It is ordered that:

1. Order TNL-32189-21 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 18, 2022.
3. The Tenant shall pay to the Landlord \$3,807.87*. This amount represents the rent owing up to November 30, 2021 and the total charges related to NSF cheques tendered to the Landlord by or on behalf of the Tenant and the costs related to the application fee for the previous application.
4. The Tenant shall also pay to the Landlord \$43.40 per day for compensation for the use of the unit starting December 1, 2021 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing* on or before January 18, 2022, the Tenant will start to owe interest. This will be simple interest calculated from January 19, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 18, 2022, then starting January 19, 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 January 19, 2022.

January 7, 2022
Date Issued



Vladislav Shustov
Member, Landlord and Tenant Board

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

The tenant has until January 17, 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 17, 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 19, 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

File Number: TNL-36206-21

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		\$3,807.87
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 December 1, 2021		\$43.40 (per day)

Total the Tenant must pay the Landlord:	\$3,807.87, + \$43.40 per day starting December 1, 2021
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