



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

File Number: EAL-97221-21

In the matter of: 02, MAIN FLOOR, 36 CHARLES STREET
KINGSTON ON K7K1V4

Between: Jerry McConnell Landlord

and

Ben Volfson Tenants
Jessica Cartwright

Jerry McConnell (the 'Landlord') applied for an order to terminate the tenancy and evict Ben Volfson and Jessica Cartwright (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 August 17, 2021 with respect to application EAL-95362-21.

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 Tenants to terminate the tenancy and evict the Tenants if the Tenants did not meet certain conditions 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 August 2021's lawful monthly rent on or before August 1, 2021; and the Tenants failed to pay \$1,250.00 towards the arrears on or before August 20, 2021.
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 \$4,301.00 for rent arrears and the costs related to the Landlord's application fee in Order EAL-95362-21. The amount that is still owing from that order is \$3,301.00 and that amount is included in this order. As a result, the previous order EAL-95362-21 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 August 1, 2021 to August 31, 2021.
6. The Landlord collected a rent deposit of \$1,250.00 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 11, 2020 to December 31, 2020.

It is ordered that:

1. Order EAL-95362-21 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 September 13, 2021.
3. The Tenants shall pay to the Landlord \$3,381.62*. This amount represents the rent owing up to September 2, 2021 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.
4. The Tenants shall also pay to the Landlord \$41.10 per day for compensation for the use of the unit starting September 3, 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 September 13, 2021, the Tenants will start to owe interest. This will be simple interest calculated from September 14, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 13, 2021, then starting September 14, 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 September 14, 2021.

September 2, 2021

Date Issued

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9



Jim McMaster
Member, Landlord and Tenant Board

The tenants have until September 12, 2021 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 September 12, 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 March 14, 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: EAL-97221-21

Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order: up to July 31, 2021		\$3,301.00
New rent owing: up to the date of this order	August 1, 2021 to September 2, 2021	\$1,332.20
Less the rent deposit:		-\$1,250.00
Less the interest owing on the rent deposit	December 11, 2020 to December 31, 2020	-\$1.58
Plus daily compensation owing for each day of occupation starting September 3, 2021		\$41.10 (per day)

Total the Tenants must pay the Landlord:	\$3,381.62, + \$41.10 per day starting September 3, 2021
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2021 CanLII 123507 (ON LTB)