



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

File Number: CEL-02672-21

In the matter of: 1223 WESTERDAM ROAD
MISSISSAUGA ON L4Y2H3

Between: Evelyn Kozubal Landlord

and

Jetnor Smakaj Tenants
Veronica Berdzik

Evelyn Kozubal (the 'Landlord') applied for an order to terminate the tenancy and evict Veronica Berdzik and Jetnor Smakaj (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 9, 2021 with respect to application CEL-00162-21.

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 condition(s) specified in the order.
2. I find that the Tenants have not met the following conditions specified in the order: the Tenants did not pay \$300.00 on or before September 5, 2021, nor did they pay the lawful rent for September also due on or before September 5, 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 \$3,486.00 for rent arrears and the costs related to the Landlord's application fee in Order CEL-00162-21. The amount that is still owing from that order is \$3,186.00 and that amount is included in this order. As a result, the previous order CEL-00162-21 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 September 5, 2021 to October 4, 2021.
6. The Landlord collected a rent deposit of \$2,600.00 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 August 1, 2015 to September 17, 2021.

It is ordered that:

1. The previous order CEL-00162-21 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 28, 2021.
3. The Tenants shall pay to the Landlord \$1,494.97*. This amount represents the rent owing up to September 17, 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 \$88.77 per day for compensation for the use of the unit starting September 18, 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 28, 2021, the Tenants will start to owe interest. This will be simple interest calculated from September 29, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 28, 2021, then starting September 29, 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 29, 2021.



September 17, 2021
Date Issued

Nicola Mulima
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

The tenant has until September 27, 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 September 27, 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 29, 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

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		\$4,339.97
Less the rent deposit:		-\$2,600.00
Less the interest owing on the rent deposit	August 1, 2015 to September 17, 2021	-\$245.00
Plus daily compensation owing for each day of occupation starting September 18, 2021		\$88.77 (per day)

Total the Tenants must pay the Landlord:	\$1,494.97, + \$88.77 per day starting September 18, 2021
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