



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

File Number: TEL-21065-21

In the matter of: 102, 380 GIBB STREET
OSHAWA ON L1J1Z3

Between: Starlight Canadian Residential Growth F

Landlord

and

Madison Turner

Tenant

Starlight Canadian Residential Growth F (the 'Landlord') applied for an order to terminate the tenancy and evict Madison Turner (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 mediated settlement issued by the Board on November 3, 2021 with respect to application TEL-17194-21.

Determinations:

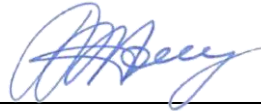
1. The mediated settlement provided that the Landlord could apply to the Board under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant did not meet certain condition(s) specified in the settlement.
2. I find that the Tenant has not met the following conditions specified in the settlement: The Tenant failed to pay \$500.00 towards the arrears on or before October 20, 2021. The Tenant failed to pay the lawful monthly rent in full, on or before November 1, 2021.
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 \$5,560.41.
5. Since the date of the mediated settlement, the Tenant has failed to pay the full rent that became owing for the period from October 1, 2021 to November 30, 2021.
6. The Landlord collected a rent deposit of \$1,800.00 from the Tenant and this deposit is still being held by the Landlord.

7. Interest on the rent deposit is owing to the Tenant for the period from January 1, 2021 to January 7, 2022.

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 January 18, 2022.
2. The Tenant shall pay to the Landlord \$9,569.67*. This amount represents the rent owing up to January 7, 2022 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.
3. The Tenant shall also pay to the Landlord \$59.15 per day for compensation for the use of the unit starting January 8, 2022 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 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.
5. 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.
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 January 19, 2022.

January 7, 2022
Date Issued



Vladislav Shustov
Member, Landlord and Tenant Board

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

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: TEL-21065-21

Amount the Tenant must pay to the Landlord

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: Up to November 30, 2021		\$9,158.41
New rent due up to the date of this order: December 1, 2021 to January 7, 2022		\$ 2,213.05
Less the rent deposit:		-\$1,800.00
Less the interest owing on the rent deposit	January 1, 2021 to January 7, 2022	-\$1.79
Plus daily compensation owing for each day of occupation starting January 8, 2022		\$59.15 (per day)

Total the Tenant must pay the Landlord:	\$9,569.67, + \$59.15 per day starting January 8, 2022
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