

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

File Number: NOL-43998-21

In the matter of: A10, 171 WILLOW AVENUE
SAULT STE MARIE ON P6B5B1

Between: Pine Allard Properties Landlord

and

Brittany Varlow Tenants
Tyler Dunn

Pine Allard Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Brittany Varlow and Tyler Dunn (the 'Tenants') and for an order to have the Tenants pay the rent they owe because they failed to meet a condition specified in the order issued by the Board on September 21, 2021 with respect to application NOL-41098-20.

This application was heard in Passcode: 910 9539 0063# on December 6, 2021.

{The Landlord and the Tenants attended the hearing.}

OR Only {the Landlord **OR** the Tenants} attended the hearing.

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 they did not meet certain condition(s) specified in the order.
2. I find that the Tenants have not met the conditions specified in the order, as follows:
 - a) The Tenants were to pay \$1,000.00 against arrears and costs on the first day of each month from August 1, 2021 through November 1, 2021 and then \$227.00 on or before December 1, 2021 and were to pay the lawful monthly rent in the amount of \$1,055.19 in full and on time from August 1, 2021 through to December 1, 2021; and
 - b) The Tenants paid only \$550.00 on August 31, 2021 and then made two payments of \$255.00 each in October 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 \$4,227.00 for rent arrears and the costs related to the Landlord's application fee in Order NOL-41098-20. The amount that is still owing from that order is \$4,227.00 and that amount is included in this order. As a result, the previous order NOL-41098-20 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 September 30, 2021.

It is ordered that:

1. NOL-41098-20 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 January 4, 2022.
3. The Tenants shall pay to the Landlord \$5,219.00*. This amount represents the rent owing up to December 31, 2021 and the costs related to the application fee for the previous application.
4. The Tenants shall also pay to the Landlord \$34.69 per day for compensation for the use of the unit starting January 1, 2022 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 January 4, 2022, the Tenants will start to owe interest. This will be simple interest calculated from January 5, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 4, 2022, then starting January 5, 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 5, 2022.



December 16, 2021
Date Issued

Lynn Mitchell
Member, Landlord and Tenant Board

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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 5, 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		\$5,219.00
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 17, 2021		\$34.69 (per day)

Total the Tenants must pay the Landlord:	\$5,219.00, + \$34.69 per day starting December 17, 2021
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