



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

File Number: NOL-43873-21

In the matter of: 119, 135 VALLEY STREET
THUNDER BAY ON P7B5T1

Between: Shelter Canadian Properties Limited

Landlord

and

Abby Pelletier
Denise Collins
Tobias Cook

Tenants

Shelter Canadian Properties Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Tobias Cook, Abby Pelletier and Denise Collins (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 July 29, 2021 with respect to application NOL-42093-21.

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 \$1,286.86 towards costs and arrears on time, on or before August 15, 2021; and the Tenants failed to pay September 2021's lawful monthly rent, on or before September 1, 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 \$3,860.59 for rent arrears and the costs related to the Landlord's application fee in Order NOL-42093-21. The amount that is still owing from that order is \$2,555.46 and that amount is included in this order. As a result, the previous order NOL-42093-21 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 September 30, 2021.
6. The Landlord collected a rent deposit of \$975.00 from the Tenants and this deposit is still being held by the Landlord.

- Interest on the rent deposit is owing to the Tenants for the period from February 1, 2019 to December 31, 2020.

It is ordered that:

- Order NOL-42093-21 is cancelled.
- The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 4, 2021.
- The Tenants shall pay to the Landlord \$2,287.72*. This amount represents the rent owing up to September 23, 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.
- The Tenants shall also pay to the Landlord \$32.54 per day for compensation for the use of the unit starting September 24, 2021 to the date the Tenants move out of the unit.
- If the Tenants do not pay the Landlord the full amount owing* on or before October 4, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 5, 2021 at 2.00% annually on the balance outstanding.
- If the unit is not vacated on or before October 4, 2021, then starting October 5, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
- 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 October 5, 2021.



Nicola Mulima
Member, Landlord and Tenant Board

September 23, 2021
Date Issued

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

The tenants have until October 3, 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 October 3, 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 April 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

File Number: NOL-43873-21

Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order: up to July 31, 2021		\$2,555.46
New rent owing: up to the date of this order	September 1, 2021 to September 23, 2021	\$748.42
Less the rent deposit:		-\$975.00
Less the interest owing on the rent deposit	February 1, 2019 to December 31, 2020	-\$41.16
Plus daily compensation owing for each day of occupation starting September 24, 2021		\$32.54 (per day)

Total the Tenants must pay the Landlord:	\$2,287.72, + \$32.54 per day starting September 24, 2021
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