



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

**File Number:** SWL-54862-21

**In the matter of:** 207, 95 OAKVILLE AVENUE  
LONDON ON N5V2S3

**Between:** Amiraco Properties Inc.

Landlord

**and**

Abigail Harriott

Tenant

Amiraco Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Abigail Harriott (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 order issued by the Board on July 28, 2021 with respect to application SWL-49538-21.

**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 Tenant to terminate the tenancy and evict the Tenant if the Tenant did not meet certain conditions specified in the order.
2. I find that the Tenant has not met the following conditions specified in the order: The Tenant failed to pay September 2021's lawful monthly rent in full and on time, on or before September 1, 2021; and the Tenant failed to pay \$250.00 towards the arrears 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 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 Tenant was ordered to pay \$3,417.78 for rent arrears and the costs related to the Landlord's application fee in Order SWL-49538-21. The amount that is still owing from that order is \$3,167.78 and that amount is included in this order. As a result, the previous order SWL-49538-21 is cancelled.
5. Since the date of the order, the Tenant has 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 \$830.00 from the Tenant and this deposit is still being held by the Landlord.

7. Interest on the rent deposit has been paid to the Tenant up to December 31, 2020.

**It is ordered that:**

1. Order SWL-49538-21 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before October 23, 2021.
3. The Tenant shall pay to the Landlord \$2,965.74\*. This amount represents the rent owing up to October 12, 2021 and the costs related to the application fee for the previous application, less the rent deposit.
4. The Tenant shall also pay to the Landlord \$27.84 per day for compensation for the use of the unit starting October 13, 2021 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing\* on or before October 23, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 24, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 23, 2021, then starting October 24, 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 October 24, 2021.

2021 CanLII 132737 (ON LTB)

**October 12, 2021**

**Date Issued**

South West-RO  
150 Dufferin Avenue, Suite 400, 4th Floor  
London ON N6A5N6



**Jim McMaster**

Member, Landlord and Tenant Board

The tenant has until October 22, 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 October 22, 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 24, 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: SWL-54862-21

#### Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order: up to July 31, 2021		\$3,167.78
New rent owing: up to the date of this order	August 1, 2021 to October 12, 2021	\$627.96
Less the rent deposit:		-\$830.00
Plus daily compensation owing for each day of occupation starting October 13, 2021		\$27.84 (per day)

<b>Total the Tenant must pay the Landlord:</b>	<b>\$2,965.74, + \$27.84 per day starting October 13, 2021</b>
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