



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

File Number: TEL-17223-21

In the matter of: A36, 20 KIMBERCROFT COURT
SCARBOROUGH ON M1S4K8

Between: Markham Corners Residential Inc.

Landlord

and

Michael Lynch
Michelle McDonald

Tenants

Markham Corners Residential Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Lynch and Michelle McDonald (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet conditions specified in two previous orders issued by the Board, TEL-11778-20 issued by the Board on January 4, 2021 and TEL-15336-21-SA issued on May 19, 2021.

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 were required in order TEL-11778-20 to pay to the Landlord \$1,000.00 on or before April 30, 2021 this amount was not paid. The Tenants also failed to pay an additional \$100.00, on or before April 30, 2021 as was required in TEL-15336-21-SA. Furthermore, the Tenants did not pay the lawful rent on or before May 15, 2021 as was required in both orders.
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 \$6,459.10 for rent arrears in Order TEL-11778-20. They were then ordered to pay an additional \$936.55 for rent arrears in order TEL-15336-21-SA. The amount that is still owing from that order is \$3,418.37 and that amount is included in this order. As a result, the previous orders TEL-11778-20 and TEL-15336-21-SA are cancelled.

5. Since the date of order TEL-15336-21-SA, the Tenants have failed to pay the full rent that became owing for the period from May 1, 2021 to May 31, 2021.
6. The Landlord collected a rent deposit of \$1,578.85 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 January 1, 2021 to June 4, 2021.

It is ordered that:

1. Orders TEL-11778-20 and TEL-15336-21 are cancelled.
2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 15, 2021.
3. The Tenants shall pay to the Landlord \$2,217.70*. This amount represents the rent owing up to May 31, 2021 less the rent deposit and interest the Landlord owes on the rent deposit.
4. The Tenants shall also pay to the Landlord \$51.91 per day for compensation for the use of the unit starting June 1, 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 June 15, 2021, the Tenants will start to owe interest. This will be simple interest calculated from June 16, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before June 15, 2021, then starting June 16, 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 June 16, 2021.

June 4, 2021
Date Issued

Michael Di Salle

Michael Di Salle
Member, Landlord and Tenant Board

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

The tenant has until June 14, 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 June 14, 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 December 16, 2021 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-17223-21

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		\$3,797.22
Less the rent deposit:		-\$1,578.85
Less the interest owing on the rent deposit	January 1, 2021 to June 4, 2021	-\$0.67
Plus daily compensation owing for each day of occupation starting June 1, 2021		\$51.91 (per day)

Total the Tenants must pay the Landlord:	\$2,217.70, + \$51.91 per day starting June 1, 2021
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