



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

**File Number:** CEL-03203-21

**In the matter of:** 707, 66 MALTA AVENUE  
BRAMPTON ON L6Y4V9

**Between:** Neelands Place Inc.

Landlord

**and**

Adrian Jucha

Tenant

On October 4, 2021, Neelands Place Inc. (the 'Landlord') applied in this L4 application for an order to terminate the tenancy and evict Adrian Jucha (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 previous consent order issued by the Board on October 4, 2021 with respect to L1 application CEL-00175-21.

**Determinations:**

1. The previous consent order provided in paragraph 3 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 order.

2. I find that the Tenant has not met the following condition specified in the consent order:

**The Tenant failed to pay to the Landlord \$1,167.00 for rent on or before October 1, 2021, which was a breach of paragraph 2(b) of the consent order. This L4 application was filed on October 4, 2021, within 30 days of the breach.**

3. The previous L1 application included a request for an order for the payment of arrears of rent. The resulting consent 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 in this L4 application to request an order for the payment of arrears of rent and compensation.
4. The Tenant agreed to and was ordered to pay \$6,571.00 in paragraph 1 of the previous consent order. This amount was for outstanding rent arrears and costs (fling fee) from the L1 application CEL-00175-21. The Tenant still owes \$6,571.00 from the previous consent order and that amount is included in this order. As a result, the previous order CEL-00175-21 is cancelled.

5. Since the date of the previous consent order, the Tenant has failed to pay the full rent that became owing for the period from October 1, 2021 to October 31, 2021.
6. The Landlord collected a rent deposit of \$1,204.95 from the Tenant and this deposit is still being held by the Landlord.
7. Interest on the rent deposit was last paid out to the Tenant up to the period ending December 31, 2020. There is no further interest owing between January 1, 2021 to the date of this order, because there was no guideline rent increase (and consequently no interest on deposit) allowed in 2021 due to COVID19.

**It is ordered that:**

1. Order CEL-00175-21 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 November 12, 2021 (standard 11 days from the issuance date of this order).
3. If the Tenant made any further payments to the Landlord after the filing date of this L4 application, those amounts shall be deducted from the calculations below.

*See attached Summary of Calculations*

4. The Tenant shall pay to the Landlord **\$6,533.05\***. This amount represents the rent owing up to October 31, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
5. The Tenant shall also pay to the Landlord **\$38.37 per day** for compensation for the use of the unit **starting November 1, 2021 to the date the Tenant actually moves out of the rental unit or gets evicted.**
6. If the Tenant does not pay the Landlord the full amount owing of **\$6,533.05\*** on or before November 12, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 13, 2021 at 2.00% annually on the balance outstanding.
7. If the unit is not vacated on or before November 12, 2021, then starting November 13, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 November 13, 2021.

**November 1, 2021**  
**Date Issued**

  
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Michelle Tan  
Member, Landlord and Tenant Board

Central-RO  
3 Robert Speck Pkwy, 5th Floor  
Mississauga ON L4Z2G5

The tenant has until November 11, 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 November 11, 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 May 13, 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.

**Summary of Calculations**

**File Number: CEL-03203-21**

**Amount the Tenant must pay**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Amount owing from previous consent order plus New Arrears and New NSF cheque charges and related administration charges (up to October 31, 2021)		\$7,738.00
Less the rent deposit:		-\$1,204.95
Less the interest owing on the rent deposit	January 1, 2021 to November 1, 2021 (0.00% interest rate)	-\$0.00
Plus daily compensation owing for each day of occupation starting <b>November 1, 2021</b>		\$38.37 (per day)

<b>Total the Tenant must pay the Landlord:</b>	<b>\$6,533.05*, + \$38.37 per day starting November 1, 2021</b>
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