



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

File Number: TNL-34247-21

In the matter of: 919, 411 DUPLEX AVENUE
TORONTO ON M4R1V2

Between: Capreit Limited Partnership

Landlord

and

Adrian Christopher Kelly
Shanice Hylton

Tenants

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Adrian Christopher Kelly and Shanice Hylton (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 26, 2021 with respect to application TNL-31137-21.

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 condition(s) specified in the order.
2. I find that the Tenants have not met the following condition specified in the order: **the Tenants did not pay the lawful rent for August on or before August 11, 2021, which was a breach of paragraph 1(b) of the order. This L4 application was filed with the Board on August 20, 2021, within 30 days of the breach.**
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 \$8,076.00 for rent arrears and the costs related to the Landlord's application fee in Order TNL-31137-21. The amount that is still owing from that order is \$8,076.00 and that amount is included in this order. As a result, the previous order TNL-31137-21 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 August 31, 2021.

It is ordered that:

1. The previous order TNL-31137-21 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 September 11, 2021 (standard 11 days from the issuance date of this order).
3. The Tenants shall pay to the Landlord \$9,771.00*. This amount represents the rent owing up to August 31, 2021 and the costs related to the application fee for the previous application.
4. The Tenants shall also pay to the Landlord \$55.73 per day for compensation for the use of the unit starting September 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 September 11, 2021, the Tenants will start to owe interest. This will be simple interest calculated from September 12, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 11, 2021, then starting September 12, 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 September 12, 2021.

August 31, 2021
Date Issued

Michelle Tan
Member, Landlord and Tenant Board

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

The tenant has until September 10, 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 September 10, 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 March 12, 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: TNL-34247-21

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		\$9,771.00
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 September 1, 2021		\$55.73 (per day)

Total the Tenants must pay the Landlord:	\$9,771.00, + \$55.73 per day starting September 1, 2021
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