



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

File Number: SOL-23789-21

In the matter of: 4971 JEPSON STREET
NIAGARA FALLS ON L2E1K3

Between: Sarah Irshad Landlord

and

Tracy Diane Timleck Tenant

Sarah Irshad (the 'Landlord') applied for an order to terminate the tenancy and evict Tracy Diane Timleck (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 27, 2021 with respect to application SOL-20584-21.

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 condition specified in the order.
2. I find that the Tenant has not met the following condition specified in the order: The Tenant failed to pay \$4,000.00 towards the arrears, on or before July 31, 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 \$9,286.00 for rent arrears and the costs related to the Landlord's application fee in Order SOL-20584-21. The amount that is still owing from that order is \$9,286.00 and that amount is included in this order. As a result, the previous order SOL-20584-21 is cancelled.
5. The Landlord collected a rent deposit of \$2,300.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from December 8, 2020 to December 31, 2020.

It is ordered that:

1. Order SOL-20584-21 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 August 31, 2021.
3. The Tenant shall pay to the Landlord \$7,209.53*. This amount represents the rent owing up to August 20, 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.
4. The Tenant shall also pay to the Landlord \$75.62 per day for compensation for the use of the unit starting August 21, 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 August 31, 2021, the Tenant will start to owe interest. This will be simple interest calculated from September 1, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 31, 2021, then starting September 1, 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 1, 2021.

August 20, 2021
Date Issued

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7



Jim McMaster
Member, Landlord and Tenant Board

The tenant has until August 30, 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 August 30, 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 1, 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

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Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order: up to August 17, 2021		\$9,286.00
New rent owing: up to the date of this order	August 18, 2021 to August 20, 2021	\$226.86
Less the rent deposit:		-\$2,300.00
Less the interest owing on the rent deposit	December 8, 2020 to December 31, 2020	-\$3.33
Plus daily compensation owing for each day of occupation starting August 21, 2021		\$75.62 (per day)

Total the Tenant must pay the Landlord:	\$7,209.53, + \$75.62 per day starting August 21, 2021
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