



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

File Number: SOL-24663-21

In the matter of: 5, 125 QUEEN VICTORIA DRIVE
HAMILTON ON L8W2C1

Between: Victoria Park Community Homes

Landlord

and

Alan Krajcar

Tenant

Victoria Park Community Homes (the 'Landlord') applied for an order to terminate the tenancy and evict Alan Krajcar (the 'Tenant') and for an order to have the Tenant pay the rent he owes because the Tenant failed to meet a condition specified in the order issued by the Board on February 1, 2021 with respect to application SOL-17985-20.

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 condition specified in the order: The Tenant failed to pay September 2021's lawful monthly rent 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 \$6,765.96 for rent arrears and the costs related to the Landlord's application fee in Order SOL-17985-20. The amount that is still owing from that order is \$2,819.15 and that amount is included in this order. As a result, the previous order SOL-17985-20 is cancelled.
5. Since the date of the order, the Tenant failed to pay the lawful monthly rent that became owing for the months of March 2021, June 2021, and September 2021.
6. The Landlord collected a rent deposit of \$1,097.68 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, 2021.

It is ordered that:

1. Order SOL-17985-20 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 12, 2021.
3. The Tenant shall pay to the Landlord \$5,045.50*. This amount represents the rent owing up to October 1, 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 \$36.03 per day for compensation for the use of the unit starting October 2, 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 12, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 13, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 12, 2021, then starting October 13, 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 13, 2021.

2021 CanLII 132120 (ON LTB)

October 1, 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 October 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 October 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 April 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.

* Refer to the attached Summary of Calculations.

Summary of Calculations

File Number: SOL-24663-21

Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order: up to January 31, 2021		\$2,819.15
New rent owing: up to the date of this order	February 1, 2021 to October 1, 2021	\$3,324.03
Less the rent deposit:		-\$1,097.68
Plus daily compensation owing for each day of occupation starting October 2, 2021		\$36.03 (per day)

Total the Tenant must pay the Landlord:	\$5,045.50, + \$36.03 per day starting October 2, 2021
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