

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

File Number: TEL-95774-18

In the matter of: A, 448 GLEN MILLER ROAD
QUINTE WEST ON K8V5P8

Between: Barbara Tytula

and

Georganne B MacLeod
Tammy MacLeod

I hereby certify this is a true copy of the Order Landlord
MM of the Residential Tenancies Act, 2006
Signature of Stephane... (Name of Witness)

00: 23 2018
LANDLORD AND TENANT BOARD Tenants

Barbara Tytula (the 'Landlord') applied for an order to terminate the tenancy and evict Tammy MacLeod and Georganne B MacLeod (the 'Tenants') and for an order to have the Tenants pay the rent they owe because they failed to meet a condition specified in the mediated settlement issued by the Board on March 1, 2018 with respect to application TEL-87999-18.

Determinations:

1. The mediated settlement 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 they did not meet certain condition(s) specified in the settlement.
2. I find that the Tenants have not met the following condition specified in the settlement:

The Tenants did not pay the remaining balance of arrears of \$246.00 on or before October 1, 2018.
3. The previous application included a request for an order for the payment of arrears of rent. The resulting mediated settlement 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 amount that is still owing, according to the terms of the mediated settlement, for arrears of rent, and the costs related to the application fee for the previous application is \$246.00.
5. The Landlord collected a rent deposit of \$900.00 from the Tenants and this deposit is still being held by the Landlord.

6. Interest on the rent deposit is owing to the Tenants for the period from September 28, 2014 to October 22, 2018.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before November 2, 2018.
2. As of the date of this order, the Tenants owe no money to the Landlord because the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, and costs related to the application fee for the previous application that the Landlord is entitled to under this order by \$978.51.
3. The Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenants: \$31.04 per day for compensation for the use of the unit starting October 23, 2018 to the date the Tenants move out of the unit;
4. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
5. If the unit is not vacated on or before November 2, 2018, then starting November 3, 2018, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 3, 2018.

October 22, 2018

Date Issued



Jim McMaster

Member, Landlord and Tenant Board

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

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

The tenant has until November 1, 2018 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 1, 2018 the order will be stayed and the Board will schedule a hearing.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on May 3, 2019 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-95774-18

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		\$246.00
April 1, 2018 to October 23, 2018		-\$261.22
Less the rent deposit:		-\$900.00
Less the interest owing on the rent deposit	September 28, 2014 to October 22, 2018	-\$63.29
Plus daily compensation owing for each day of occupation starting October 23, 2018		\$31.04 (per day)

Total the Tenants must pay the Landlord:	-\$978.51, + \$31.04 per day starting October 23, 2018
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October 22, 2018

Dear Landlord:

Due to a potential Canada Post strike, the Board is directing you to immediately give a copy of the order to the tenant(s).

You can give a copy of the order to the tenant(s) using any of the following methods:

- handing a copy of the order to the tenant(s),
- handing a copy of the order to an apparently adult person in the rental unit,
- placing a copy of the order under the door of the rental unit or through the mail slot in the door,
- leaving a copy of the order in the tenant's mailbox, or
- if there is no mailbox, leaving a copy of the order at the place where mail is ordinarily delivered to the tenant.

The Landlord shall not use regular mail, registered mail, or courier to deliver the order.

The Board may ask you to fill out the *Certificate of Service* form to prove that you gave a copy of the order to the tenant(s). A copy of the form is attached. Although you do not have to file the *Certificate of Service* form with the Board at this time, you should complete the certificate when you give the tenant(s) the order and keep it for your records. You may be required to file with the Board on a future date.

If you have any questions, please contact the Board at 416-645-8080 or toll-free at 1-888-332-3234:

Landlord and Tenant Board



