



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

File Number: SOL-21759-21

In the matter of: 50, 77 TINDALE COURT
HAMILTON ON L8K6C9

Between: Interrent c/o CLV Group

Landlord

and

Aleah McDermott
Christopher Jurkaulianis

Tenants

Interrent c/o CLV Group (the 'Landlord') applied for an order to terminate the tenancy and evict Christopher Jurkaulianis and Aleah McDermott (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 April 16, 2021 with respect to application SOL-20272-21.

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 monthly rent for May, 2021 in the amount of \$1,144.56 on or before May 1, 2021. This was a breach of paragraph 2 of the order, which occurred during the 30 days leading up to the filing of this L4 application on May 10, 2021.**
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 \$3,617.48 for rent arrears and the costs related to the Landlord's application fee in Order SOL-20272-21. The amount that is still owing from that order is \$3,117.48 and that amount is included in this order. **As a result, the previous order SOL-20272-21 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 May 1, 2021 to May 31, 2021.
6. The Landlord collected a rent deposit of \$1,144.66 from the Tenants and this deposit is still being held by the Landlord.

7. Interest on the rent deposit is owing to the Tenants for the period from January 1, 2021 to May 18, 2021.

It is ordered that:

1. **Order SOL-20272-21 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 May 29, 2021.
3. The Tenants shall pay to the Landlord \$2,649.72*. This amount represents the rent owing up to May 18, 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 Tenants shall **also** pay to the Landlord \$37.63 per day for compensation for the use of the unit starting May 19, 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 May 29, 2021, the Tenants will start to owe interest. This will be simple interest calculated from May 30, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before May 29, 2021, then starting May 30, 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 May 30, 2021.
8. This order terminates the tenancy and permits the Landlord to file the order with Court Enforcement Office (Sheriff) to evict the Tenant. However, as of the date this order was issued, the Sheriff cannot enforce this order as a result of Ontario Regulation 266/21 made under the *Emergency Management and Civil Protection Act* on April 8, 2021. The Tenant cannot be evicted from the rental unit while this regulation is in force. Eviction by the Sheriff may occur after the regulation is removed by the Ontario Government. Further information is available on the LTB's website.

May 18, 2021
Date Issued



Michelle Tan
Member, Landlord and Tenant Board

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

The tenant has until May 28, 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 May 28, 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 November 30, 2021 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-21759-21

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		\$3,794.81
Less the rent deposit:		-\$1,144.66
Less the interest owing on the rent deposit	January 1, 2021 to May 18, 2021	-\$0.43
Plus daily compensation owing for each day of occupation starting May 19, 2021		\$37.63 (per day)
Total the Tenants must pay the Landlord:		\$2,649.72, + \$37.63 per day starting May 19, 2021

2021 CanLII 89787 (ON LTB)