



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

File Number: EAL-97773-21

In the matter of: 5 HONEYCOMB TRAIL
WELLAND ON L3B0G8

Between: Harpal Badwal
Gurjeet Badwal

Landlords

and

Melissa Marin

Tenant

Harpal Badwal and Gurjeet Badwal (the 'Landlords') applied for an order to terminate the tenancy and evict Melissa Marin (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 9, 2021 with respect to application HOL-09134-20.

Determinations:

1. The order provided that the Landlords 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(s) 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 \$1,538.00 towards the outstanding arrears on or before September 15, 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 Landlords are entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenant was ordered to pay \$16,686.00 for rent arrears and the costs related to the Landlord's application fee in Order HOL-09134-20. The amount that is still owing from that order is \$13,610.00 and that amount is included in this order. As a result, the previous order HOL-09134-20 is cancelled.
5. The Landlords collected a rent deposit of \$1,950.00 from the Tenant and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenant for the period from August 15, 2019 to December 31, 2020

It is ordered that:

1. Order HOL-09134-20 is cancelled.
2. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before November 1, 2021.
3. The Tenant shall pay to the Landlords \$11,614.70*. This amount represents the rent owing up to September 30, 2021 and the costs related to the application fee for the previous application, less the rent deposit and interest the Landlords owe on the rent deposit.
4. The Tenant shall also pay to the Landlords \$64.11 per day for compensation for the use of the unit starting October 1, 2021 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlords the full amount owing* on or before November 1, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 2, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before November 1, 2021, then starting November 2, 2021, the Landlords 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 Landlords on or after November 2, 2021.



October 21, 2021
Date Issued

Nicola Mulima
Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9

The tenant has until November 1, 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 November 1, 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 May 2, 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: EAL-97773-21

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		\$13,610.00
Less the rent deposit:		-\$1,950.00
Less the interest owing on the rent deposit	August 15, 2019 to December 31, 2020	-\$59.34
Plus daily compensation owing for each day of occupation starting October 1, 2021		\$64.11 (per day)

Total the Tenant must pay the Landlord:	\$11,600.60, + \$64.11 per day starting October 1, 2021
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