



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

File Number: EAL-97534-21

In the matter of: 314, 276 KINGSDALE AVENUE
KINGSTON ON K7M8R8

Between: Touchstone Property Management

Landlord

and

Matt Barrett

Tenant

On September 7, 2021, Touchstone Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Matt Barrett (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 November 25, 2020 with respect to application EAL-89827-20.

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 condition(s) specified in the order.

2. I find that the Tenant has not met the following conditions specified in the order:

The Tenant failed to pay to the Landlord \$400.00 on or before August 15, 2021 towards arrears of rent.

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 \$12,585.00 for rent arrears in Order EAL-89827-20. The amount that is still owing from that order is \$9,385.00 and that amount is included in this order. As a result, the previous order EAL-89827-20 is cancelled.

5. **Since the date of the order, the Tenant has also failed to pay the full rent that became owing for the period from August 1, 2021 to September 30, 2021.**

6. The Landlord collected a rent deposit of \$856.00 from the Tenant and this deposit is still being held by the Landlord.

7. Interest on the rent deposit is owing to the Tenant for the period from December 1, 2016 to January 5, 2022.

It is ordered that:

1. Order EAL-89827-20 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 January 16, 2022.
3. The Tenant shall pay to the Landlord \$10,177.62*. This amount represents the rent owing up to **September 30, 2021** less the rent deposit and interest the Landlord owes on the rent deposit.
4. The Tenant shall also pay to the Landlord \$28.14 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 Landlord the full amount owing* on or before January 16, 2022, the Tenant will start to owe interest. This will be simple interest calculated from January 17, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 16, 2022, then starting January 17, 2022, 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 January 17, 2022.

January 5, 2022
Date Issued



Jim McMaster
Member, Landlord and Tenant Board

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

The tenant has until January 15, 2022 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 January 15, 2022 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 July 17, 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-97534-21

Amount the Tenant must pay

Reason for amount owing	Period	Amount
Amount owing from previous order plus New Arrears and New NSF cheque charges and related administration charges		\$11,097.00
Less the rent deposit:		-\$856.00
Less the interest owing on the rent deposit	December 1, 2016 to January 5, 2022	-\$63.38
Plus daily compensation owing for each day of occupation starting October 1, 2021		\$28.14 (per day)

Total the Tenant must pay the Landlord:	\$10,177.62, + \$28.14 per day starting October 1, 2021
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