



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

File Number: TEL-16658-21

In the matter of: 4, 251 QUEEN STREET
PORT PERRY ON L9L1B9

Between: Brandon Guido Landlord

and
Colin St Croix Tenants
Sam Hickman

Brandon Guido (the 'Landlord') applied for an order to terminate the tenancy and evict Sam Hickman and Colin St Croix (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 mediated settlement issued by the Board on September 14, 2020 with respect to application TEL-10425-20.

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 the Tenants did not meet certain condition(s) specified in the settlement.
2. I find that the Tenants have not met the following conditions specified in the settlement: **the Tenants did not pay \$1,087.50 (arrears) on or before April 1, 2021; or did not pay \$1,500.00 (rent) on or before April 1, 2021.**
3. The Landlord also declared the Tenants have not paid the full amounts owing for the regular monthly rent plus \$1,087.50 towards the arrears owed for the months of December 2020, January 2021, February 2021, and March 2021. As the timeframe for these breaches are more than 30 days prior to the filing of the L4 application on April 27, 2021, they cannot be considered.
4. 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.
5. 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 \$7,075.00.
6. The Landlord collected a rent deposit of \$1,500.00 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 July 1, 2019 to May 11, 2021.

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 May 22, 2021.
2. The Tenants shall pay to the Landlord \$5,540.62*. This amount represents the rent owing up to May 11, 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.
3. The Tenants shall also pay to the Landlord \$49.32 per day for compensation for the use of the unit starting May 12, 2021 to the date the Tenants move out of the unit.
4. If the Tenants do not pay the Landlord the full amount owing* on or before May 22, 2021, the Tenants will start to owe interest. This will be simple interest calculated from May 23, 2021 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before May 22, 2021, then starting May 23, 2021, 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 May 23, 2021.
7. 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 11, 2021
Date Issued

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



Kimberly Parish
Member, Landlord and Tenant Board

The tenant has until May 21, 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 21, 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 23, 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: TEL-16658-21

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		\$7,075.00
Less the rent deposit:		-\$1,500.00
Less the interest owing on the rent deposit	July 1, 2019 to May 11, 2021	-\$34.38
Plus daily compensation owing for each day of occupation starting May 12, 2021		\$49.32 (per day)
Total the Tenants must pay the Landlord:		\$5,540.62, + \$49.32 per day starting May 12, 2021

2021 CanLII 91138 (ON LTB)