



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

File Number: TNL-33655-21

In the matter of: 108, 55 WELLINGTON STREET W
AURORA ON L4G4A3

Between: Mantler Management Ltd Landlord

and

Zahra Rezaipour Tenant

Mantler Management Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Zahra Rezaipour (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 17, 2020 with respect to application TNL-25154-20.

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 did not pay the minimum sum of \$300.00 on or before June 1, 2021, nor did they pay the full lawful rent for June also due on or before June 1, 2021. These were breaches of paragraphs 1 and 2 of the order respectively. This L4 application was filed on June 14, 2021, within 30 days of these breaches.**
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 \$5,384.50 for rent arrears in Order TNL-25154-20. The amount that is still owing from that order is \$4,860.82 and that amount is included in this order. As a result, the previous order TNL-25154-20 is cancelled.
5. Since the date of the order, the Tenant has failed to pay the full rent that became owing for the period from May 1, 2021 to June 30, 2021.

6. The Landlord collected a rent deposit of \$1,582.38 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 November 1, 2020 to August 3, 2021.

It is ordered that:

1. The previous order TNL-25154-20 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 August 14, 2021 (standard 11 days from the issuance date of this order).
3. The Tenant shall pay to the Landlord \$3,289.25*. This amount represents the rent owing up to July 31, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
4. The Tenant shall also pay to the Landlord \$56.09 per day for compensation for the use of the unit starting August 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 August 14, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 15, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 14, 2021, then starting August 15, 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 August 15, 2021.

August 3, 2021

Date Issued



Michelle Tan

Member, Landlord and Tenant Board

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

The tenant has until August 13, 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 August 13, 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 February 15, 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

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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 | | \$4,872.82 |
| Less the rent deposit: | | -\$1,582.38 |
| Less the interest owing on the rent deposit | November 1, 2020 to August 3, 2021 | -\$1.19 |
| Plus daily compensation owing for each day of occupation starting August 1, 2021 | | \$56.09 (per day) |

| | |
|--|--|
| Total the Tenant must pay the Landlord: | \$3,289.25, + \$56.09 per day starting August 1, 2021 |
|--|--|

2021 CanLII 122066 (ON LTB)