



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

File Number: SWL-52655-21

In the matter of: 144 DORSET ROAD
CAMBRIDGE ON N1R2X5

Between: Aileen Indio Landlords
Aristides (Steve) Indio

and

Alice Batista Tenants
Eduino Batista
Jeff Batista
Tara Goreing

Aileen Indio and Aristides (Steve) Indio (the 'Landlords') applied for an order to terminate the tenancy and evict Eduino Batista, Jeff Batista, Tara Goreing and Alice Batista (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 September 1, 2020 with respect to application SWL-40672-20.

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 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 \$1,450.00 (rent) on or before June 1, 2021 or \$500.00 (arrears) on or before June 21, 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 Landlords are entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenants were ordered to pay \$22,090.00 for rent arrears and the costs related to the Landlord's application fee in Order SWL-40672-20. The amount that is still owing from that order is \$19,990.00 and that amount is included in this order. As a result, the previous order SWL-40672-20 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 October 1, 2020 to July 31, 2021.
6. The Landlords collected a rent deposit of \$1,450.00 from the Tenants and this deposit is still being held by the Landlords.

7. Interest on the rent deposit is owing to the Tenants for the period from January 1, 2021 to July 12, 2021.

It is ordered that:

1. **Order SWL-40672-20 is cancelled.**
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before July 23, 2021.
3. The Tenants shall pay to the Landlords \$32,161.28*. This amount represents the rent owing up to July 12, 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 Tenants shall **also** pay to the Landlords \$47.67 per day for compensation for the use of the unit starting July 13, 2021 to the date the Tenants move out of the unit.
5. If the Tenants do not pay the Landlords the full amount owing* on or before July 23, 2021, the Tenants will start to owe interest. This will be simple interest calculated from July 24, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 23, 2021, then starting July 24, 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 July 24, 2021.

July 12, 2021
Date Issued

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

Michael Di Salle

Michael Di Salle
Member, Landlord and Tenant Board

The tenant has until July 22, 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 July 22, 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 January 24, 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: SWL-52655-21

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 | | \$33,612.05 |
| Less the rent deposit: | | -\$1,450.00 |
| Less the interest owing on the rent deposit | January 1, 2021 to July 12, 2021 | -\$0.77 |
| Plus daily compensation owing for each day of occupation starting July 13, 2021 | | \$47.67 (per day) |
| Total the Tenants must pay the Landlord: | | \$32,161.28, + \$47.67 per day starting July 13, 2021 |

2021 CanLII 110440 (ON LTB)