



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

File Number: SOL-21699-21

In the matter of: 2, 16 NELLO STREET
ST. CATHARINES ON L2N1G5

Between: Jared Gardner Landlord

and

Nicole Bandy Tenant

Jared Gardner (the 'Landlord') applied for an order to terminate the tenancy and evict Nicole Bandy (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 April 22, 2021 with respect to application SOL-16496-20.

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 conditions 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 rent in the amount of \$1,300.00 on or before May 1, 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 Landlord is entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenant was ordered to pay \$7,236.00 for rent arrears and the costs related to the Landlord's application fee in Order SOL-16496-20. The amount that is still owing from that order is \$7,236.00 and that amount is included in this order. As a result, the previous order SOL-16496-20 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 May 31, 2021.
6. The Landlord collected a rent deposit of \$1,275.00 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 November 7, 2019 to May 14, 2021.

It is ordered that:

1. Order SOL-16496-20 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 May 25, 2021.
3. The Tenant shall pay to the Landlord \$6,530.59*. This amount represents the rent owing up to May 14, 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.
4. The Tenant shall also pay to the Landlord \$42.74 per day for compensation for the use of the unit starting May 15, 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 May 25, 2021, the Tenant will start to owe interest. This will be simple interest calculated from May 26, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before May 25, 2021, then starting May 26, 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 May 26, 2021.
8. 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 14, 2021
Date Issued

Michael Di Salle

Michael Di Salle
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

The tenant has until May 24, 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 24, 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 26, 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

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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		\$7,834.36
Less the rent deposit:		-\$1,275.00
Less the interest owing on the rent deposit	November 7, 2019 to May 14, 2021	-\$28.77
Plus daily compensation owing for each day of occupation starting May 15, 2021		\$42.74 (per day)

Total the Tenant must pay the Landlord:	\$6,530.59, + \$42.74 per day starting May 15, 2021
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