



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

File Number: EAL-98883-21

In the matter of: 2006, 2001 CARLING AVENUE
OTTAWA ON K2A3W5

Between: Homestead Land Holdings Limited

Landlord

and

John Gramer
Marian Gramer

Tenants

On November 8, 2021, Homestead Land Holdings Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Marian Gramer and John Gramer (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 October 26, 2021 with respect to application EAL-96112-21.

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 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 failed to pay to the Landlord \$10,441.01 on or before October 15, 2021 towards costs and 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 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.
4. The Tenants were ordered to pay \$10,441.01 for rent arrears in Order EAL-96112-21. The amount that is still owing from that order is \$10,441.01 and that amount is included in this order. As a result, the previous order EAL-96112-21 is cancelled.
5. **Since the date of the order, the Tenants have also failed to pay the full rent that became owing for the period from October 1, 2021 to October 31, 2021.**
6. The Landlord collected a rent deposit of \$1,466.59 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 December 8, 2020 to January 5, 2022.

It is ordered that:

1. Order EAL-96112-21 is cancelled.
2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before January 16, 2022.
3. The Tenants shall pay to the Landlord \$10,437.96*. This amount represents the rent owing up to **October 31, 2021**, less the rent deposit and interest the Landlord owes on the rent deposit.
4. The Tenants shall also pay to the Landlord \$48.16 per day for compensation for the use of the unit starting **November 1, 2021** to the date the Tenants move out of the unit.
5. If the Tenants do not pay the Landlord the full amount owing* on or before January 16, 2022, the Tenants 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-98883-21

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		\$11,906.01
Less the rent deposit:		-\$1,466.59
Less the interest owing on the rent deposit	December 8, 2020 to January 5, 2022	-\$1.46
Plus daily compensation owing for each day of occupation starting November 1, 2021		\$48.16 (per day)

Total the Tenants must pay the Landlord:	\$10,437.96, + \$48.16 per day starting November 1, 2021
---	---

2022 CanLII 49834 (ON LTB)