



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

File Number: SWL-57407-21

In the matter of: 2, 921 WELLINGTON AVENUR
WINDSOR ON N9A5K2

Between: Tafsir Kazi Landlord

and

Leo Callahan Tenants
Robich Michael

Tafsir Kazi (the 'Landlord') applied for an order to terminate the tenancy and evict Leo Callahan and Robich Michael (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 July 8, 2021 with respect to application SWL-47470-20.

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 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 conditions specified in the order: The Tenant did not pay \$350.00 arrears on or before November 21, 2021. The Tenant did not pay \$800.00 rent on or before December 1, 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 Landlord is entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenants were ordered to pay \$2,836.00 for rent arrears and the costs related to the Landlord's application fee in Order SWL-47470-20. The amount that is still owing from that order is \$2,486.00 and that amount is included in this order. As a result, the previous order SWL-47470-20 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, 2021 to January 31, 2022.

6. The Landlord collected a rent deposit of \$800.00 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, 2020 to January 14, 2022.

It is ordered that:

1. Order SWL-47470-20 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 25, 2022.
3. The Tenants shall pay to the Landlord \$4,453.42*. (less any rent that was paid since the application that was filed on December 10, 2021) This amount represents the rent owing up to January 14, 2022 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 Tenants shall also pay to the Landlord \$26.30 per day for compensation for the use of the unit starting January 15, 2022 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 25, 2022, the Tenants will start to owe interest. This will be simple interest calculated from January 26, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 25, 2022, then starting January 26, 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 26, 2022.

January 14, 2022
Date Issued



Jim McMaster
Member, Landlord and Tenant Board

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

The tenant has until January 24, 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 24, 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 26, 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		\$5,254.22
Less the rent deposit:		-\$800.00
Less the interest owing on the rent deposit	July 1, 2020 to January 14, 2022	-\$0.80
Plus daily compensation owing for each day of occupation starting January 15, 2022		\$26.30 (per day)
Total the Tenants must pay the Landlord:		\$4,453.42, + \$26.30 per day starting January 15, 2022

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