



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

File Number: NOL-44301-21

In the matter of: 212, 744 BRUCE AVENUE
SUDBURY ON P3C5H5

Between: Greater Sudbury Housing Corp

Landlord

and

Francis Lachapelle
Jamie Nesci
Paige Kivisto

Tenants

On October 19, 2021, Greater Sudbury Housing Corp (the 'Landlord') applied for an order to terminate the tenancy and evict Francis Lachapelle, Jamie Nesci and Paige Kivisto (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 mediated settlement issued by the Board on November 2, 2020 with respect to application NOL-39379-20.

Determinations:

1. The mediated settlement 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 settlement.
2. I find that the Tenants have not met the following conditions specified in the settlement:

The Tenants failed to pay to the Landlord \$400.00 on or before September 21, 2021 towards arrears of rent.

The Tenants also failed to pay to the Landlord \$355.00 on or before October 1, 2021 towards rent
3. The previous application included a request for an order for the payment of arrears of rent. The resulting mediated settlement 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 amount that is still owing, according to the terms of the mediated settlement, for arrears of rent, is \$1,911.00.
5. Since the date of the mediated settlement, the Tenants have failed to pay the full rent that became owing for the period from April 1, 2021 to October 31, 2021.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before December 10, 2021.
2. The Tenants shall pay to the Landlord \$4,041.00*. This amount represents the rent owing up to October 31, 2021.
3. The Tenants shall also pay to the Landlord \$11.67 per day for compensation for the use of the unit starting November 1, 2021 to the date the Tenants move out of the unit.
4. If the Tenants do not pay the Landlord the full amount owing* on or before December 10, 2021, the Tenants will start to owe interest. This will be simple interest calculated from December 11, 2021 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before December 10, 2021, then starting December 11, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 December 11, 2021.

November 29, 2021
Date Issued



Jim McMaster
Member, Landlord and Tenant Board

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

The tenant has until December 9, 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 December 9, 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 June 11, 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 settlement plus New Arrears and New NSF cheque charges and related administration charges		\$4,041.00
Less the rent deposit:		-\$0.00
Less the interest owing on the rent deposit		-\$0.00
Plus daily compensation owing for each day of occupation starting November 1, 2021		\$11.67 (per day)

Total the Tenants must pay the Landlord:	\$4,041.00, + \$11.67 per day starting November 1, 2021
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