



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

**File Number:** SOL-22805-21

**In the matter of:** 3827 MAIN STREET  
NIAGARA FALLS ON L2G6B4

**Between:** Dr. Guy Bingham Landlord

**and**

Matthew Warner Tenant

Dr. Guy Bingham (the 'Landlord') applied for an order to terminate the tenancy and evict Matthew Warner (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 May 25, 2021 with respect to application SOL-17149-20.

**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 condition(s) specified in the order.
2. I find that the Tenant has not met the following condition specified in the order: **The Tenant did not pay \$850.00 (rent) on or before June 15, 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 \$11,347.00 for rent arrears and NSF cheque charges and the costs related to the Landlord's application fee in Order SOL-17149-20. The amount that is still owing from that order is \$11,347.00 and that amount is included in this order. As a result, the previous order SOL-17149-20 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 April 1, 2021 to July 31, 2021.
6. The Landlord collected a rent deposit of \$850.00 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 April 1, 2019 to July 9, 2021.

**It is ordered that:**

1. **Order SOL-17149-20 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 July 20, 2021.
3. The Tenant shall pay to the Landlord \$13,278.70\*. This amount represents the rent owing up to July 9, 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 \$27.95 per day for compensation for the use of the unit starting July 10, 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 July 20, 2021, the Tenant will start to owe interest. This will be simple interest calculated from July 21, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 20, 2021, then starting July 21, 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 July 21, 2021.

**July 9, 2021**  
**Date Issued**

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

*Michael Di Salle*  
Michael Di Salle  
Member, Landlord and Tenant Board

The tenant has until July 19, 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 19, 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 21, 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**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Amount owing from previous order or settlement plus New Arrears and New NSF cheque charges and related administration charges		\$14,148.51
Less the rent deposit:		-\$850.00
Less the interest owing on the rent deposit	April 1, 2019 to July 9, 2021	-\$19.81
Plus daily compensation owing for each day of occupation starting July 10, 2021		\$27.95 (per day)
<b>Total the Tenant must pay the Landlord:</b>		<b>\$13,278.70, + \$27.95 per day starting July 10, 2021</b>

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