



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

File Number: SWL-56950-21

In the matter of: 15, 1382 OUELLETTE AVENUE
WINDSOR ON N8X1J8

Between: Hood Property Management

Landlord

and

Gordon Gibb

Tenant

On November 12, 2021, Hood Property Management (the 'Landlord') applied in this L4 application for an order to terminate the tenancy and evict Gordon Gibb (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 consent order issued by the Board on October 7, 2021 with respect to L1 application SWL-52856-21.

Determinations:

1. The consent 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 conditions specified in the consent order: The Tenant failed to pay \$115.00 towards the arrears on or before November 1, 2021. The Tenant also failed to pay the lawful monthly rent on or before November 1, 2021. This application was filed within 30 days of the breaches.
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 \$5,186.00 for rent arrears and the costs related to the Landlord's application fee in the previous consent Order SWL-52856-21. The amount that is still owing from that order is \$5,186.00 and that amount is included in this order. As a result, the previous order SWL-52856-21 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 October 1, 2021 to November 30, 2021.

6. On March 1, 2020 the Landlord collected a rent deposit of \$700.00 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 March 1, 2020 to December 31, 2020, which is included in this order. There is no further interest owing since there was no guideline rent increase allowed (consequently no interest) in 2021 due to COVID19.

It is ordered that:

1. Order SWL-52856-21 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 January 9, 2022 (standard 11 days from the issuance date of this order).
3. If the Tenant made any payments to the Landlord after this L4 application was filed, those amounts shall be deducted from the calculations below.
4. The Tenant shall pay to the Landlord \$5,873.09*. This amount represents the rent owing up to November 30, 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.
5. The Tenant shall also pay to the Landlord \$23.01 per day for compensation for the use of the unit starting December 1, 2021 to the date the Tenant actually moves out of the unit or get evicted.
6. If the Tenant does not pay the Landlord the full amount owing* on or before January 9, 2022, the Tenant will start to owe interest. This will be simple interest calculated from January 10, 2022 at 2.00% annually on the balance outstanding.
7. If the unit is not vacated on or before January 9, 2022 then starting January 10, 2022, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 10, 2022.

December 29, 2021
Date Issued



Michelle Tan
Member, Landlord and Tenant Board

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

London ON N6A5N6

The tenant has until January 8, 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 8, 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 10, 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 to the Landlord

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: Up to November 30, 2021		\$6,586.00
Less the rent deposit:		-\$700.00
Less the interest owing on the rent deposit	March 1, 2020 to December 31, 2020	-\$12.91
Plus daily compensation owing for each day of occupation starting December 1, 2021		\$23.01 (per day)

Total the Tenant must pay the Landlord:	\$5,873.09* + \$23.01 per day starting December 1, 2021
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