



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

**File Number:** SWL-57428-21

**In the matter of:** 1, 420 OXFORD STREET E  
LONDON ON N5Y3H4

**Between:** Kory Mackinnon Landlords  
Yellow House Rentals

**and**

Martin Spencer Tenant

Kory Mackinnon and Yellow House Rentals (the 'Landlords') applied for an order to terminate the tenancy and evict Martin Spencer (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 December 2, 2021 with respect to application SWL-54044-21.

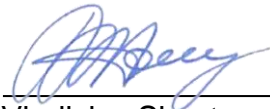
**Determinations:**

1. The order provided that the Landlords 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 \$200.00 on or before December 3, 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 Landlords are entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenant was ordered to pay \$5,432.80 for rent arrears in Order SWL-54044-21. The amount that is still owing from that order is \$5,432.80 and that amount is included in this order. As a result, the portion of previous order related to rent arrears SWL-54044-21 is cancelled.
5. The Tenancy was terminated by the order SWL-54044-21 issued December 2, 2021 and remains in full force and effect.

**It is ordered that:**

1. The previous order SWL-54044-21 paragraph 5 is cancelled. The remainder of the order remains in effect.
2. The Tenant shall pay to the Landlords \$5,432.80\*. This amount represents the rent owing up to November 30, 2021.
3. The Tenant shall also pay to the Landlords \$28.77 per day for compensation for the use of the unit starting December 1, 2021 to the date the Tenant moves out of the unit.
4. If the Tenant does not pay the Landlords the full amount owing\* on or before January 25, 2022, the Tenant will start to owe interest. This will be simple interest calculated from January 26, 2022 at 2.00% annually on the balance outstanding.

**January 14, 2022**  
**Date Issued**



Vladislav Shustov  
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**

**File Number: SWL-57428-21**

**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		\$5,432.80
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 December 1, 2021		\$28.77 (per day)

<b>Total the Tenant must pay the Landlord:</b>	<b>\$5,432.80, + \$28.77 per day starting December 1, 2021</b>
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