



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

File Number: EAL-97669-21

In the matter of: 307, 47 VILLAGE DRIVE
KINGSTON ON K7K6K6

Between: Skyline Living Landlord

and

Linda Watson Tenants
Tara Lee Campbell

Skyline Living (the 'Landlord') applied for an order to terminate the tenancy and evict Linda Watson and Tara Lee Campbell (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 20, 2021 with respect to application EAL-94291-21.

This application was heard by video/teleconference on November 23, 2021.

Only the Landlord's agent, Adelina Andreita, attended the hearing.

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:
3. The Tenants failed to pay the arrears (\$300.00) and the rent for September 2021 (\$2,028.57) in full on or before September 1, 2021. The Tenants only paid \$2,000.00.
4. 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.

5. The Tenants were ordered to pay \$6,311.71 for rent arrears and NSF cheque charges and the costs related to the Landlord's application fee in Order EAL-94291-21. The amount that is still owing from that order is \$6,011.71 and that amount is included in this order. As a result, the previous order EAL-94291-21 is cancelled.
6. Since the date of the order, the Tenants have failed to pay the full rent that became owing for the period from August 1, 2021 to December 31, 2021.
7. The Landlord collected a rent deposit of \$2,028.57 from the Tenants and this deposit is still being held by the Landlord.
8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. Order EAL-94291-21 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 4, 2022.
3. The Tenants shall pay to the Landlord \$11,459.09 *. This amount represents the rent owing up to December 21, 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 Tenants shall also pay to the Landlord \$66.69 per day for compensation for the use of the unit starting December 22, 2021 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 4, 2022, the Tenants will start to owe interest. This will be simple interest calculated from January 5, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 4, 2022, then starting January 5, 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 5, 2022.



December 21, 2021

Date Issued

Jana Rozehnal

Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9

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 5, 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: EAL-97669-21

Amount the Tenant must pay

Reason for amount owing	Period	Amount
Amount owing from previous order up to July 31, 2021		\$6,011.71
New rent up to date of this order	August 1, 2021 to December 21, 2021	\$7,475.95
Less the rent deposit:		-\$2,028.57
Plus daily compensation owing for each day of occupation starting December 22, 2021		\$66.69 (per day)

Total the Tenants must pay the Landlord:	\$11,459.09 + \$66.69 per day starting December 22, 2021
---	---

2021 CanLII 149668 (ON LTB)