



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

File Number: SWL-56596-21

In the matter of: 4 ABERDEEN STREET
MERLIN ON N0P1W0

Between: Adam Wissink Landlord

and

Amanda Horner Tenants
Ian Edghill

Adam Wissink (the 'Landlord') applied for an order to terminate the tenancy and evict Amanda Horner and Ian Edghill (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 September 16, 2021 with respect to application SWL-52566-21.

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 condition specified in the settlement: The Tenants failed to pay the lawful monthly rent on or before November 1, 2021.
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, and the costs related to the application fee for the previous application is \$2,986.00.
5. Since the date of the mediated settlement, the Tenants have failed to pay the full rent that became owing for the period from November 1, 2021 to November 30, 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 5, 2021.
2. The Tenants shall pay to the Landlord \$6,230.92*. This amount represents the rent owing up to November 24, 2021 and the costs related to the application fee for the previous application.
3. The Tenants shall also pay to the Landlord \$59.18 per day for compensation for the use of the unit starting November 25, 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 5, 2021, the Tenants will start to owe interest. This will be simple interest calculated from December 6, 2021 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before December 5, 2021, then starting December 6, 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 6, 2021.



Nicola Mulima
Member, Landlord and Tenant Board

November 24, 2021
Date Issued

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

The tenant has until December 4, 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 4, 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 6, 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 the date of this order November 24, 2021		\$6,586.00
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 25, 2021		\$59.18 (per day)

Total the Tenants must pay the Landlord:	\$6,230.92, + \$59.18 per day starting November 25, 2021
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2021 CanLII 144241 (ON LTB)