



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

File Number: SWL-57418-21

In the matter of: 1204, 80 MOOREGATE CRESCENT
KITCHENER ON N2M5G1

Between: Hazelview Property Services Inc.

Landlord

and

Amanda Moreira
Eric Moore

Tenants

Hazelview Property Services Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Eric Moore and Amanda Moreira (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 October 12, 2021 with respect to application SWL-51403-21.

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: **The Tenant did not pay \$1345.00 rent on or before September 1, 2021 also the Tenant did not pay \$1345.00 rent on or before October 1, 2021. The Tenant did not pay \$1300.00 arrears on or before October 1, 2021. The Tenant did not pay \$1345.00 rent on or before December 1, 2021 and also did not pay \$650.00 arrears on or before December 1, 2021.**
3. 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 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 Tenants were ordered to pay \$7,830.22 for rent arrears and the costs related to the Landlord's application fee in Order SWL-51403-21. The amount that is still owing from that order is \$7,830.22 and that amount is included in this order. As a result, the previous order SWL-51403-21 is cancelled.

5. Since the date of the order, the Tenants have failed to pay the full rent that became owing for the period from September 1, 2021 to December 31, 2021.
6. The Landlord collected a rent deposit of \$1,345.00 from the Tenants and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenants for the period from January 1, 2021 to January 7, 2022.

It is ordered that:

1. Order SWL-51403-21 is cancelled.
2. The tenancy between the Landlord and the Tenants is terminated as of January 07, 2022. The Tenants must move out of the rental unit on or before January 18, 2022.
3. The Tenants shall pay to the Landlord \$9,914.87*. (**less any payments made by the Tenant after this application was filed on December 13, 2021**) This amount represents the rent owing up to January 7, 2022 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 \$44.22 per day for compensation for the use of the unit starting January 8, 2022 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 18, 2022, the Tenants will start to owe interest. This will be simple interest calculated from January 19, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 18, 2022, then starting January 19, 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 19, 2022.
8. The tenant has until January 17, 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 17, 2022 the order will be stayed, and the Board will schedule a hearing.
9. In accordance with section 81 of the Act, the part of this order relating to the eviction expires on July 19, 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.



January 7, 2022
Date Issued

Daniel Berube
Member, Landlord and Tenant Board

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

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

* Refer to the attached Summary of Calculations.

Summary of Calculations

File Number: SWL-57418-21

Amount the Tenant must pay

Reason for amount owing	Period	Amount
Amount owing from previous order or settlement plus New Arrears:		\$11,261.22
Less the rent deposit:		-\$1,345.00
Less the interest owing on the rent deposit	January 1, 2021 to January 7, 2022	-\$1.35
Plus daily compensation owing for each day of occupation starting January 8, 2022		\$44.22 (per day)
Total the Tenants must pay the Landlord:		\$9,914.87, + \$44.22 per day starting January 8, 2022

2022 CanLII 56751 (ON LTB)