



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

File Number: SWL-50621-21

In the matter of: 15, 301 SPADINA ROAD EAST
KITCHENER ON N2M3X9

Between: 1073297 Ontario Limited Landlord

and

James Baker Tenants
Vanessa Lock

1073297 Ontario Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Vanessa Lock and James Baker (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 February 22, 2021 with respect to application SWL-43892-20.

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 Tenants did not stop immediately the screaming and slamming doors in the rental unit.**
3. The Tenants were ordered to pay \$175.00 for and the costs related to the Landlord's application fee in Order SWL-43892-20. The amount that is still owing from that order is \$175.00 and that amount is included in this order. **As a result, the previous order SWL-43892-20 is cancelled.**

It is ordered that:

1. **Order SWL-43892-20 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 June 1, 2021.
3. The Tenants shall pay to the Landlord \$175.00*. This amount represents the costs related to the application fee for the previous application.

4. The Tenants shall **also** pay to the Landlord \$26.99 per day for compensation for the use of the unit starting May 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 June 1, 2021, the Tenants will start to owe interest. This will be simple interest calculated from June 2, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before June 1, 2021, then starting June 2, 2021, 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 June 2, 2021.
8. This order terminates the tenancy and permits the Landlord to file the order with Court Enforcement Office (Sheriff) to evict the Tenant. However, as of the date this order was issued, the Sheriff cannot enforce this order as a result of Ontario Regulation 266/21 made under the *Emergency Management and Civil Protection Act* on April 8, 2021. The Tenant cannot be evicted from the rental unit while this regulation is in force. Eviction by the Sheriff may occur after the regulation is removed by the Ontario Government. Further information is available on the LTB's website.

May 21, 2021
Date Issued

Michael Di Salle

Michael Di Salle
Member, Landlord and Tenant Board

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

The tenant has until May 31, 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 May 31, 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 December 2, 2021 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

| 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 | | \$175.00 |
| 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 May 22, 2021 | | \$26.99 (per day) |
| Total the Tenants must pay the Landlord: | | \$175.00, + \$26.99 per day starting May 22, 2021 |

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