

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

File Number: SWL-33343-19

In the matter of: 11, 5 LINNWOOD AVENUE
CAMBRIDGE ON N1R1V2

Between: 5 Linnwood Holdings

and

Bonita Whalen
Cole Nichols

I hereby certify this is a
true copy of an Order dated

JUL 19 2019

Landlord and Tenant Board

Landlord

Tenants

5 Linnwood Holdings (the 'Landlord') applied for an order to terminate the tenancy and evict Cole Nichols and Bonita Whalen (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 May 9, 2019 with respect to application SWL-28371-19.

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 condition specified in the order: **The Tenants did not pay \$1,262.30 (rent) on or before July 1, 2019.**
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 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. Since the date of the order, the Tenants have failed to pay the full rent that became owing for the period from July 1, 2019 to July 31, 2019.

It is ordered that:

1. **Order SWL-28371-19 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 July 30, 2019.

3. The Tenants shall pay to the Landlord \$788.51*. This amount represents the rent owing up to July 19, 2019.
4. The Tenants shall **also** pay to the Landlord \$41.50 per day for compensation for the use of the unit starting July 20, 2019 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 July 30, 2019, the Tenants will start to owe interest. This will be simple interest calculated from July 31, 2019 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 30, 2019, then starting July 31, 2019, 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 July 31, 2019.

July 19, 2019

Date Issued



Lorraine Mathers
Member, Landlord and Tenant Board

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

The tenant has until July 29, 2019 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 July 29, 2019 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 January 31, 2020 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-33343-19

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		\$788.51
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 July 20, 2019		\$41.50 (per day)
Total the Tenants must pay the Landlord:		\$788.51, + \$41.50 per day starting July 20, 2019