



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

File Number: SOL-24841-21

In the matter of: 554 ARLINGTON BOULEVARD
BURLINGTON ON L7N2S4

Between: Starlight Canadian Residential Growth Fund Landlord

and

Leslie Nichols Tenants
Wesley Booth

Starlight Canadian Residential Growth Fund (the 'Landlord') applied for an order to terminate the tenancy and evict Leslie Nichols and Wesley Booth (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 August 17, 2021 with respect to application SOL-20191-21.

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 Tenants failed to pay the full lawful rent for September 2021 on or before September 1, 2021; and the Tenants failed to pay \$250.75 towards the outstanding arrears on or before September 15, 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 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 Tenants were ordered to pay \$1,638.05 for rent arrears and the costs related to the Landlord's application fee in Order SOL-20191-21. The amount that is still owing from that order is \$1,341.59 and that amount is included in this order. As a result, the previous order SOL-20191-21 is cancelled.
5. The Landlord collected a rent deposit of \$1,357.48 from the Tenants and this deposit is still being held by the Landlord.

6. Interest on the rent deposit has been paid to the Tenants for the period from January 1, 2020 to December 31, 2020.

It is ordered that:

1. Order SOL-20191-21 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 October 25, 2021.
3. As of the date of this order, the Tenants owe no money to the Landlord because the amount of the rent deposit exceeds the arrears of rent, that the Landlord is entitled to under this order by \$14.83.
4. The Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenants: \$44.79 per day for compensation for the use of the unit starting October 1, 2021 to the date the Tenants move out of the unit.
5. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
6. If the unit is not vacated on or before October 25, 2021, then starting October 26, 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 October 26, 2021.



October 14, 2021
Date Issued

Nicola Mulima
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

The tenants have until October 25, 2021 to file a motion with the Board to set aside the order under s. 78(9) of the Act. If the tenants file the motion by October 25, 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 April 26, 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

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		\$1,341.59
Less the rent deposit:		-\$1,357.48
Plus daily compensation owing for each day of occupation starting October 1, 2021		\$44.79 (per day)

Total the Tenants must pay the Landlord:	-\$14.83, + \$44.79 per day starting October 1, 2021
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