



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

File Number: TSL-23839-21

In the matter of: 101, 994 O CONNOR DRIVE
EAST YORK ON M4B2T3

Between: O'connor Apts. Ltd. Landlord

and

Lashauna Green Tenants
Randy Craigg

O'connor Apts. Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Randy Craigg and Lashauna Green (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 20, 2021 with respect to application TSL-22334-21.

This application was heard in Passcode: 910 9539 0063# on October 20, 2021. The Landlord's representative, Ichi Arsenio, and the Tenants, who met with Duty Counsel, attended the hearing.

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. On March 23, 2021, the Tenants signed an agreement with the Landlord under section 206 of the *Residential Tenancies Act* acknowledging they owed the Landlord \$1,622.50 in arrears of rent. The Tenants agreed to pay the Landlord \$222.50 on or before April 15th and \$200.00 on or before the 15th day of each month following until the amount was paid in full. The Tenants were also to pay the rent in full and on time.
3. Since the time of the agreement the Tenant paid the Landlord \$2,533.00 of the amount that has become due. The Tenants now owe the Landlord \$8,912.50.
4. The Tenants claim there are maintenance issues the Landlord has not addressed. The Tenants decided to withhold rent. The Tenants provided a list of concerns. I find none of the issues to be serious based on the evidence before me.

5. The Landlord's representative submits they went to the unit to address any issues and were refused entry.
6. The Tenants moved into the unit in December 2020. The total rent owing since moving in was \$11,726.00. Considering the fact the Tenants have paid a small portion of what they owe in rent and have not complied with the terms of the agreement, and now owe more than \$7,000.00 more than they owed seven months ago, I find it would be unfair to the Landlord to grant relief from eviction.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

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 November 7, 2021.
2. The Tenants shall pay to the Landlord \$7,260.74. This amount represents the rent owing up to October 30, 2021 and the total charges related to NSF cheques tendered to the Landlord by or on behalf of the Tenants, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$54.25 per day for compensation for the use of the unit starting November 1, 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 November 7, 2021, the Tenants will start to owe interest. This will be simple interest calculated from November 8, 2021 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before November 7, 2021, then starting November 8, 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 November 8, 2021.



October 27, 2021
Date Issued

Greg Joy
Member, Landlord and Tenant Board

Toronto South-RO
15 Grosvenor Street, 1st Floor
Toronto ON M7A 2G6

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 May 8, 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.

