

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

**File Number:** SOL-04097-19

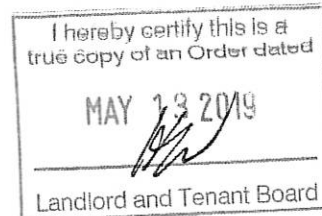
**In the matter of:** 101, 355 MELVIN AVENUE  
HAMILTON ON L8H2K9

**Between:** Skyview Redhill Apts Ltd

Landlord

**and**

Walter Adams



Tenant

Skyview Redhill Apts Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Walter Adams (the 'Tenant') and for an order to have the Tenant pay the rent the Tenant owes because the Tenant failed to meet a condition specified in the mediated settlement issued by the Board on April 16, 2019 with respect to application SOL-02050-19.

**Determinations:**

1. The mediated settlement provided that the Landlord could apply to the Board under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant did not meet certain condition(s) specified in the settlement.
2. I find that the Tenant has not met the following condition specified in the settlement: The Tenant failed to pay the lawful monthly rent for May, 2019, on or before May 1, 2019.
3. The previous application included a request for an order for the payment of arrears of rent. The resulting mediated settlement required the Tenant 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 amount that is still owing, according to the terms of the mediated settlement, for arrears of rent, and the costs related to the application fee for the previous application is \$2,675.49.
5. Since the date of the mediated settlement, the Tenant has failed to pay the full rent that became owing for the period from May 1, 2019 to May 31, 2019.
6. The Landlord collected a rent deposit of \$920.87 from the Tenant and this deposit is still being held by the Landlord.



7. Interest on the rent deposit is owing to the Tenant for the period from March 2, 2019 to May 13, 2019.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 24, 2019.
2. The Tenant shall pay to the Landlord \$2,152.65\*. This amount represents the rent owing up to May 13, 2019 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.
3. The Tenant shall also pay to the Landlord \$30.87 per day for compensation for the use of the unit starting May 14, 2019 to the date the Tenant moves out of the unit.
4. If the Tenant does not pay the Landlord the full amount owing\* on or before May 24, 2019, the Tenant will start to owe interest. This will be simple interest calculated from May 25, 2019 at 3.00% annually on the balance outstanding.
5. If the unit is not vacated on or before May 24, 2019, then starting May 25, 2019, 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 May 25, 2019.

**May 13, 2019**  
**Date Issued**

  
Cristina De Leon-Culp  
Member, Landlord and Tenant Board

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

The tenant has until May 23, 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 May 23, 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 November 25, 2019 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		\$3,076.83
Less the rent deposit:		-\$920.87
Less the interest owing on the rent deposit	March 2, 2019 to May 13, 2019	-\$3.31
Plus daily compensation owing for each day of occupation starting May 14, 2019		\$30.87 (per day)

<b>Total the Tenant must pay the Landlord:</b>	<b>\$2,152.65, + \$30.87 per day starting May 14, 2019</b>
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*X*

