



**JUL 27, 2023**

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

**Citation:** Mani Tripathi v Clayton, 2023 ONLTB 51592

**Date:** 2023-07-27

**File Number:** LTB-L-053783-23

**In the matter of:** Back Unit, 103 Albert Street  
Welland ON L3B4L3

**Between:** Kalanidhi Mani Tripathi and Roli Shukla Landlords

**And**

Christopher Clayton and Tasha Dunford Tenants

Kalanidhi Mani Tripathi and Roli Shukla (the 'Landlords') applied for an order to terminate the tenancy and evict Christopher Clayton and Tasha Dunford (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the mediated settlement signed by the parties on June 19, 2023 with respect to application LTB-L-001152-23.

This application was decided without a hearing being held.

**Determinations:**

1. The mediated settlement provides that the Landlords can apply to the LTB 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 do not meet certain condition(s) in the mediated settlement. This application was filed within 30 days of the breach.
2. I find that the Tenants have not met the following conditions specified in the mediated settlement:

**The Tenants failed to pay to the Landlords the lawful rent on or before July 7, 2023.**

**The Tenants also failed to pay to the Landlords \$800.00 on or before July 7, 2023, towards arrears of rent.**

3. The previous application includes a request for an order for the payment of arrears of rent and the mediated settlement requires the Tenants to make payments by specific due dates. Accordingly, in addition to eviction, the Landlords are entitled to request an order for the payment of arrears owing.

4. The Tenants were required to pay \$13,986.00 for rent arrears and the application filing fee in the previous mediated settlement. The amount that is still owing from that mediated settlement is \$13,986.00 and that amount is included in this order.
5. The Landlords are entitled to daily compensation from the day after this order is issued to the date the Tenants move out of the unit at a daily rate of \$108.49. This amount is calculated as follows: \$3,300.00 x 12, divided by 365 days.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before August 7, 2023.
2. If the unit is not vacated on or before August 7, 2023, then starting August 8, 2023, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after August 8, 2023.
4. The Tenants shall pay to the Landlords \$16,155.80\* (**Less any payments made by the Tenants after this application was filed on July 10, 2023**). This amount represents the rent owing up to July 27, 2023.
5. The Tenants shall also pay to the Landlords \$108.49 per day for compensation for the use of the unit starting July 28, 2023 to the date the Tenants move out of the unit.
6. If the Tenants do not pay the Landlords the full amount owing on or before August 7, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from August 8, 2023 at 6.00% annually on the balance outstanding.

**July 27, 2023**  
**Date Issued**

*Michael Di Salle*  
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Michael Di Salle  
Member, Landlords and Tenant Board

15 Grosvenor Street, Ground Floor,  
Toronto ON M7A 2G6

The Tenants have until August 6, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants file the motion by August 6, 2023 the order will be stayed and the LTB 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 February 8, 2024 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 Calculation****Amount the Tenants must pay the Landlords:**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Amount owing from previous mediated settlement	Up to July 7, 2023	\$13,986.00
New Arrears	July 8, 2023 to July 27, 2023	\$2,169.80
Plus daily compensation owing for each day of occupation starting July 28, 2023		\$108.49 (per day)
<b>Total the Tenants must pay the Landlords:</b>		<b>\$16,155.80 + \$108.49 per day starting July 28, 2023</b>