



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

Citation: Nathan Reid Holdings LTD v Izaguirre, 2023 ONLTB 77484

Date: 2023-12-04

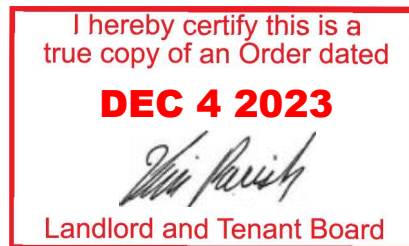
File Number: LTB-L-090812-23

In the matter of: Unit A, 352 Eastview Road
Guelph ON N1E0E8

Between: Nathan Reid Holdings LTD

And

Jason Izaguirre
Mallory Reid



Landlord

Tenants

Nathan Reid Holdings LTD (the 'Landlord') applied for an order to terminate the tenancy and evict Jason Izaguirre and Mallory Reid (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on March 24, 2023, with respect to application LTB-L-000240-23-SA.

This application was decided without a hearing being held.

Determinations:

1. The order provides that the Landlord 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 order. This application was filed within 30 days of the breach.
2. I find that the Tenants have not met the following condition specified in the order:

The Tenants failed to pay to the Landlord the lawful rent on or before November 1, 2023.
3. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenants to make payments by specific due dates.
4. The Tenants were required to pay \$2,300.00 for rent arrears in the previous order. The amount that is still owing from that order is \$0.00.
5. The Tenants failed to pay the monthly rent owing for the period from November 1, 2023 – November 30, 2023.

6. The Landlord collected a rent deposit of \$2,300.00 from the Tenants and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenants for the period from June 2, 2021 to December 4, 2023.
8. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants are required to pay.
9. The Landlord is 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 \$75.62. This amount is calculated as follows: $\$2,300.00 \times 12$, divided by 365 days

It is ordered that:

1. Order LTB-L-000240-23-SA 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 December 15, 2023.
3. If the unit is not vacated on or before December 15, 2023, then starting December 16, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. 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 December 16, 2023.
5. The Tenants shall pay to the Landlord \$162.35***(Less any payments made by the Tenants after this application was filed on November 20, 2023)**. This amount represents the rent owing up to December 4, 2023, less the rent deposit and interest the Landlord owes on the rent deposit.
6. The Tenants shall also pay to the Landlord \$75.62 per day for compensation for the use of the unit starting December 5, 2023 to the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before December 15, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from December 16, 2023 at 7.00% annually on the balance outstanding.

December 4, 2023

Date Issued



Kimberly Parish

Member, Landlord and Tenant Board

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

The Tenants have until December 14, 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 December 14, 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 June 16, 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 Landlord:**

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to February 28, 2023	\$0.00
New Arrears	November 1, 2023, to December 4, 2023	\$2,606.67
Less the rent deposit:		-\$2,300.00
Less the interest owing on the rent deposit	June 2, 2021, to December 4, 2023	-\$144.32
Plus, daily compensation owing for each day of occupation starting December 5, 2023		\$75.62 (per day)
Total the Tenants must pay the Landlord:		\$162.35 +\$75.62 per day starting December 5, 2023