



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

Citation: 2765749 Ontario Corporation v McSporran, 2023 ONLTB 55591

Date: 2023-08-11

File Number: LTB-L-057591-23

In the matter of: 9, 871 ADELAIDE ST N
LONDON ON N5Y2M2

Between: 2765749 Ontario Corporation

And

James McSporran

I hereby certify this is a
true copy of an Order dated

AUG 11 2023

Landlord and Tenant Board

Landlord

Tenant

On July 21, 2023, 2765749 Ontario Corporation. (the 'Landlord') applied for an order to terminate the tenancy and evict James McSporran (the 'Tenant') and for an because the Tenant failed to meet a condition specified in the order issued by the Board on June 9, 2023 with respect to application LTB-L-030569-22.

This application was decided without a hearing being held.

Determinations:

1. The order LTB-L-030569-22 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 conditions specified in the order.
2. I find that the Tenant has not met the following condition specified in the order: The Tenant shall not engage in the conduct noted in the N5 Notice of Termination which led to the Landlord's application including, but limited to, playing loud music, screaming or yelling or creating or causing any loud or excessive noise in the residential complex.
3. On July 20, 2023, at approximately 11:00 am, the Tenant was heard yelling loudly from inside of his rental unit which was reported to the Landlord.
4. In the order LTB-L-030569-22, the Tenant was ordered to pay the application filing fee of \$186.00 by July 31, 2023. This amount is still owing if not already paid by the Tenant.
5. The Landlord collected a rent deposit of \$695.00 from the Tenant and this deposit is still being held by the Landlord.

6. Interest on the rent deposit is owing in the amount of \$49.75 is owing to the Tenant for the period from October 1, 2020 to August 11, 2023.
7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.
8. The Landlord is entitled to daily compensation from the day after this order is issued to the date the Tenant moves out of the unit at a daily rate of \$24.78. This amount is calculated as follows: $\$753.63 \times 12$, divided by 365 days.

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 August 22, 2023.
2. If the unit is not vacated on or before August 22, 2023, then starting August 23, 2023, the Landlord 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 Landlord on or after August 23, 2023.
4. The Tenant shall pay \$186.00 to the Landlord for the application filing fee.
5. As of the date of this order, the amount of the rent deposit (\$695.00) and interest (\$49.75) the Landlord owes on the rent deposit, less the application filing fee of \$186.00 owed by the Tenant, exceeds the amount the Landlord is entitled to by \$558.75 (less any amounts paid since the filing of this application on July 21, 2023)*.
6. However, the Landlord is authorized to deduct the following from the amount the Landlord owes the Tenant: \$24.78 per day for compensation for the use of the unit starting August 12, 2023 to the date the Tenant moves out of the unit.
7. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

August 11, 2023
Date Issued



Kimberly Parish
Member, Landlord and Tenant Board

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

The Tenant has until August 21, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the tenant files the motion by August 21, 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 23, 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.