



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

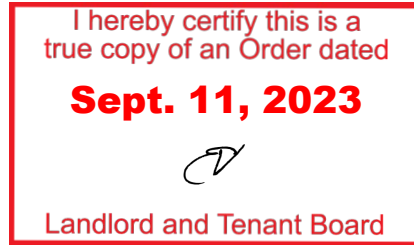
File Number: LTB-L-048722-23

In the matter of: B, 5 TIFFANY STREET
RIDGETOWN ON N0P2C0

Between: Paul Podstawka
Chantal Giroux-Podstawka

And

Dorianne Libby (aka Ashley White)
Owino White



Landlords

Tenants

Paul Podstawka and Chantal Giroux-Podstawka (the 'Landlords') applied for an order to terminate the tenancy and evict Dorianne Libby (aka Ashley White) and Owino White (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 order issued by the LTB on June 9, 2023 with respect to application LTB-L-036246-23.

A hearing was held to consider this application.

This application was heard by videoconference on August 30, 2023.

Only the Landlords' Legal Representative Audrey Skinner attended the hearing.

As of 1:45 p.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

The L1 and L4 Applications

1. The order 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 agreement. This application was filed within 30 days of the breach.

The breach

2. I find that the Tenants have not met the following condition(s) specified in the order based on the L1 application: the Tenants have failed to pay the full rent that became owing for the period from June 15, 2023 to July 14, 2023.

Arrears owing

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. 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 \$3,986.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$3,586.00 and that amount is included in this order.

The rent deposit

5. The Landlords collected a rent deposit of \$1,700.00 from the Tenants and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenants for the period from January 15, 2023 to September 11, 2023.
7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants are required to pay.

Daily compensation

8. 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 \$55.89. This amount is calculated as follows: \$1,700.00 x 12, divided by 365 days.

The L2 Application

9. The Landlord filed an L1/L2 application LTB-L-036246-23. The Landlord requested the consent of the Board to withdraw the L2 application. In accordance with subsection 200(4) of the Act, I consented to the withdrawal of the L2 application.

It is ordered that:

1. The L2 application is withdrawn.
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before September 22, 2023.
3. If the unit is not vacated on or before September 22, 2023, then starting September 23, 2023, the Landlords 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 Landlords on or after September 23, 2023.
5. The Tenants shall pay to the Landlords \$6,734.49*. **(Less any payments made by the Tenants after this application was filed on June 23, 2023).** This amount represents the rent owing up to September 11, 2023 and the cost of filing the previous application, less the rent deposit and interest the Landlords owes on the rent deposit.
6. The Tenants shall also pay to the Landlords \$55.89 per day for compensation for the use of the unit starting September 12, 2023 to the date the Tenants move out of the unit.

7. If the Tenants do not pay the Landlords the full amount owing on or before September 22, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from September 23, 2023 at 6.00% annually on the balance outstanding.

September 11, 2023
Date Issued



Elle Venhola
Member, Landlord and Tenant Board

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

The Tenants have until September 21, 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 September 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 March 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.

* Refer to the attached Summary of Calculations.

Summary of Calculation**Amount the Tenants must pay the Landlords:**

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to May 31, 2023	\$3,586.00
New Arrears	June 15, 2023 to September 11, 2023	\$4,876.44
New NSF cheque charges and related administration charges		\$0.00
Less the rent deposit:		-\$1,700.00
Less the interest owing on the rent deposit	January 15, 2023 to September 11, 2023	-\$27.95
Plus daily compensation owing for each day of occupation starting September 12, 2023		\$55.89 (per day)
Total the Tenants must pay the Landlords:		\$6,734.49 +\$55.89 per day starting September 12, 2023