



OCT 25, 2023

MD

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

Citation: Pyzevas v Bishop (Tobin), 2023 ONLTB 68719

Date: 2023-10-25

File Number: LTB-L-078552-23

In the matter of: 305, 8250 County Road 17
Rockland ON K4K1K7

Between: Carrie Pyzevas Landlord

And

Melissa Bishop (Tobin) Tenants
Estate of David Tobin

Carrie Pyzevas (the 'Landlord') applied for an order to terminate the tenancy and evict Melissa Bishop (Tobin) and Estate of David Tobin (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 September 26, 2023 with respect to application LTB-L-035404-23.

This application was decided without a hearing being held.

Determinations:

1. The mediated settlement 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 mediated settlement. This application was filed within 30 days of the breach.
2. I find that the Tenants have not met the following condition(s) specified in the mediated settlement:
 - a) **The Tenants failed to pay the full \$800.00 towards arrears on or before October 1, 2023**
 - b) **The Tenants failed to pay to the Landlord the lawful rent of \$504.33 in full and on time, on or before October 1, 2023**
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 Landlord is entitled to request an order for the payment of arrears owing.

4. The Tenants were required to pay \$4,142.24 for rent arrears and the application filing fee in the previous mediated settlement. The amount that is still owing from that mediated settlement is \$4,142.24 and that amount is included in this order.
5. Since the date of the previous mediated settlement, the Tenants have failed to pay the full rent that became owing for the period from October 1, 2023, to October 31, 2023.
6. 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 \$16.58. This amount is calculated as follows: \$504.33 x 12, divided by 365 days.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before November 5, 2023.
2. If the unit is not vacated on or before November 5, 2023, then starting November 6, 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 November 6, 2023.
4. The Tenants shall pay to the Landlord \$4,556.74 (**Less any payments made by the Tenants after this application was filed on October 4, 2023**). This amount represents the rent owing up to October 25, 2023, and the cost of filing the previous application.
5. The Tenants shall also pay to the Landlord \$16.58 per day for compensation for the use of the unit starting October 26, 2023, to the date the Tenants move out of the unit.
6. If the Tenants do not pay the Landlord the full amount owing on or before November 5, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from November 6, 2023, at 7.00% annually on the balance outstanding.

October 25, 2023
Date Issued

Michael Di Salle

Michael Di Salle
Member, Landlord and Tenant Board

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

The Tenants have until November 4, 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 November 4, 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 May 6, 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 mediated settlement	Up to January 31, 2023	\$4,142.24
New Arrears	October 1, 2023, to October 25, 2023	\$414.50
Plus daily compensation owing for each day of occupation starting October 26, 2023		\$16.58 (per day)
Total the Tenants must pay the Landlord:		\$4,556.74 + \$16.58 per day starting October 26, 2023