



**JUL 19, 2023**

Landlord and Tenant Board

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

**Citation:** Zhu v Wilson, 2023 ONLTB 49757

**Date:** 2023-07-19

**File Number:** LTB-L-052599-23

**In the matter of:** Main and 2nd floor, 109 AGNES ST  
OSHAWA ON L1G1V3

**Between:** Zheng Zhu and Chuantai Shi Landlords

**And**

Lauren Wilson and Michael Sneed Tenants

Zheng Zhu and Chuantai Shi (the 'Landlords') applied for an order to terminate the tenancy and evict Lauren Wilson and Michael Sneed (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 29, 2023 with respect to application LTB-L-048683-23.

This application was decided without a hearing being held.

**Determinations:**

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 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 the lawful rent for July 2023 in full on or before July 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. 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 \$7,700.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$7,700.00 and that amount is included in this order. This order replaces order LTB-L-048683-23.
5. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from July 1, 2023 to July 31, 2023.
6. The Landlords collected a rent deposit of \$2,500.00 from the Tenants and this deposit is still being held by the Landlords.
7. Interest on the rent deposit is owing to the Tenants for the period from December 2, 2022 to July 19, 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 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 \$82.19. This amount is calculated as follows: \$2,500.00 x 12, divided by 365 days.

**It is ordered that:**

1. Order LTB-L-048683-23 is cancelled.
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before July 30, 2023.
3. If the unit is not vacated on or before July 30, 2023, then starting July 31, 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 July 31, 2023.
5. The Tenants shall pay to the Landlords \$6,124.89\* (**Less any payments made by the Tenants after this application was filed on July 4, 2023**). This amount represents the rent owing up to July 19, 2023, less the rent deposit and interest the Landlords owe on the rent deposit.
6. The Tenants shall also pay to the Landlords \$82.19 per day for compensation for the use of the unit starting July 20, 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 July 30, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from July 31, 2023 at 6.00% annually on the balance outstanding.

**July 19, 2023**  
**Date Issued**

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

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

The Tenants have until July 29, 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 July 29, 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 January 31, 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 order	Up to June 30, 2023	\$7,700.00
New Arrears	July 1, 2023 to July 19, 2023	\$961.61
New NSF cheque charges and related administration charges		\$0.00
Less the rent deposit:		-\$2,500.00
Less the interest owing on the rent deposit	December 2, 2022 to July 19, 2023	-\$36.72
Plus daily compensation owing for each day of occupation starting July 20, 2023		\$82.19 (per day)
<b>Total the Tenants must pay the Landlords:</b>		<b>\$6,124.89 +\$82.19 per day starting July 20, 2023</b>