



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

Citation: Assumption Sport Horses a div of Sunwind Farms Inc. v Roy, 2024 ONLTB 4795
Date: 2024-01-23
File Number: LTB-L-001964-24

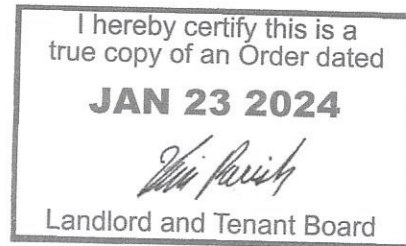
In the matter of: Upper Stable Apt, 1995 ASSUMPTION RD
OTONABEE ON K9J6X7

Between: Assumption Sport Horses a div of Sunwind Farms Inc. Landlord

And

Nicole Roy
Brandon Clark

Tenants



Assumption Sport Horses a div of Sunwind Farms Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Nicole Roy and Brandon Clark (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 January 5, 2024 with respect to application LTB-L-026150-23.

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 conditions specified in the order:

The Tenants failed to pay to the Landlord \$550.00 towards arrears in full on or before December 20, 2023.

The Tenants also failed to pay to the Landlord the lawful rent in full on or before January 1, 2024.

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 Landlord is entitled to request an order for the payment of arrears owing.

4. The Tenants were required to pay \$19,222.89 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$18,847.89 and that amount is included in this order. This order replaces order LTB-L-026150-23.
5. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from January 1, 2024 to January 31, 2024.
6. 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 \$55.89. This amount is calculated as follows: \$1,700.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-026150-23 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 February 3, 2024.
3. If the unit is not vacated on or before February 3, 2024, then starting February 4, 2024, 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 February 4, 2024.
5. The Tenants shall pay to the Landlord \$20,133.36* (**Less any payments made by the Tenants after this application was filed on January 8, 2024**). This amount represents the rent owing up to January 23, 2024 and the cost of filing the previous application.
6. The Tenants shall also pay to the Landlord \$55.89 per day for compensation for the use of the unit starting January 24, 2024 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 February 3, 2024, the Tenants will start to owe interest. This will be a simple interest calculated from February 4, 2024 at 7.00% annually on the balance outstanding.

January 23, 2024
Date Issued



Kimberly Parish
Member, Landlord and Tenant Board

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

The Tenants have until February 2, 2024, 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 February 2, 2024, 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.

Summary of Calculation

Amount the Tenants must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to December 31, 2023	\$18,847.89
New Arrears	January 1, 2024 to January 23, 2024	\$1,285.47
Plus daily compensation owing for each day of occupation starting January 24, 2024		\$55.89 (per day)
Total the Tenants must pay the Landlord:		\$20,133.36 + \$55.89 per day starting January 24, 2024

