



**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Kleiboer Holdings Ltd v Regena Ward provost, 2023 ONLTB 38719

Date: 2023-05-23

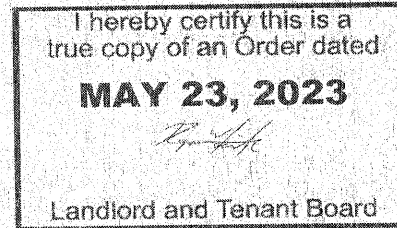
File Number: LTB-L-067023-22

In the matter of: Main Floor Apartment, 39 WELLINGTON ST
ST CATHARINES ON L2R5P9

Between: Kleiboer Holdings Ltd

And

Andrew Provost
Regena Ward provost



Landlord

Tenants

Kleiboer Holdings Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Provost and Regena Ward provost (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

Mediation was held on May 11, 2023. The following parties participated in the mediation: The Landlord's representative, Judith Callender, and the Tenant, Regena Ward Provost. Also present at the mediation supporting the Tenant was Charmaine McFarlane. The Tenant, Andrew Provost was not present, but provided permission to Regena Ward Provost to consent to an order on their behalf.

The parties consented to the following order. I was satisfied that the parties understood the consequences of their consent.

Agreed facts:

1. The current rent is \$1,486.25 per month as of May 1, 2023.

It is ordered on consent that:

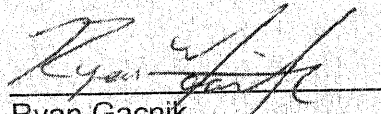
1. The Tenants shall pay to the Landlord **\$2,722.25** which represents the arrears of rent (\$2,536.25) plus costs (\$186.00) for the period ending May 31, 2023.
2. The Tenants shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:

Date Payment Due	Amount of Payment
June 6, 2023	\$ 300.00 ✓
July 1, 2023	\$ 300.00
August 1, 2023	\$ 300.00

September 1, 2023	\$ 300.00
October 1, 2023	\$ 300.00
November 1, 2023	\$ 300.00
December 1, 2023	\$ 300.00
January 1, 2024	\$ 300.00
February 1, 2024	\$ 322.25

3. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period **June 1, 2023 to February 1, 2024**, or until the arrears are paid in full, whichever date is earliest.
4. If the Tenants fail to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenants to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants, apply to the LTB within 30 days of the Tenants' breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after **May 31, 2023**.

May 23, 2023
Date Issued


 Ryan Gacnik
 Hearings Officer, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
 Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.



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

Jul 31, 2023

Landlord and Tenant Board

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

Citation: Klieboer Holdings Ltd. v Provost, 2023 ONLTB 51794

Date: 2023-07-31

File Number: LTB-L-052952-23

In the matter of: MAIN FLOOR APT, 39 WELLINGTON ST
ST CATHARINES ON L2R5P9

Between: Klieboer Holdings Ltd.

Landlord

And

Andrew Provost and Regena Ward Provost

Tenants

Klieboer Holdings Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Provost and Regena Ward Provost (the 'Tenants') and for an order to have the Tenants pay the rent that they owe because the Tenants did not meet a condition specified in the order issued by the LTB on May 23, 2023, with respect to application LTB-L-067023-22.

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 does 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 the lawful rent in full on or before July 1, 2023.

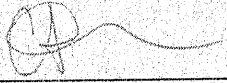
The Tenants also failed to pay to the Landlord \$300.00 on or before July 1, 2023, towards arrears of rent.
3. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenants to make payments by specific due dates. Accordingly, in addition to eviction, the Landlord is entitled to request an order for the payment of arrears owing.
4. The Tenants were required to pay \$2,722.25 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$2,422.25 and that amount is included in this order. This order replaces order LTB-L-067023-22.

5. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from June 1, 2023, to July 31, 2023.
6. The Landlord collected a rent deposit of \$1,450.00 from the Tenants and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenants for the period from June 4, 2021, to July 31, 2023.
8. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants is required to pay.
9. 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 \$48.86. This amount is calculated as follows: $\$1,486.25 \times 12$, divided by 365 days.

It is ordered that:

1. Order LTB-L-067023-22 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 August 11, 2023.
3. If the unit is not vacated on or before August 11, 2023, then starting August 12, 2023, 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 August 12, 2023.
5. The Tenants shall pay to the Landlord \$1,999.34*. **(Less any payments made by the Tenants after this application was filed on July 5, 2023)**. This amount represents the rent owing up to July 31, 2023, and the cost of filing the previous application, less the rent deposit and interest the Landlord owes on the rent deposit.
6. The Tenants shall also pay to the Landlord \$48.86 per day for compensation for the use of the unit starting August 1, 2023, 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 August 11, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from August 12, 2023, at 6.00% annually on the balance outstanding.

July 31, 2023
Date Issued



Candace Aboussafy
Member, Landlord and Tenant Board

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

The Tenants have until August 10, 2023, to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants files the motion by August 10, 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 12, 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 order	Up to May 31, 2023	\$2,422.25
New Arrears	June 1, 2023, to July 31, 2023	\$1,086.50
Less the rent deposit:		-\$1,450.00
Less the interest owing on the rent deposit	June 4, 2021, to July 31, 2023	-\$59.41
Plus, daily compensation owing for each day of occupation starting August 1, 2023		\$48.86 (per day)
Total the Tenants must pay the Landlord:		\$1,999.34 + \$48.86 per day starting August 1, 2023



I hereby certify this is a true copy of an Order dated
OCT 16, 2023
Kelly Delaney
Landlord and Tenant Board

**Order under Section 77(8)
Residential Tenancies Act, 2006**

Citation: Klieboer Holdings Ltd. v Provost, 2023 ONLTB 68427

Date: 2023-10-16

File Number: LTB-L-052952-23-SA

In the matter of: MAIN FLOOR APARTMENT, 39
WELLINGTON ST
ST CATHARINES ON L2R5P9

Between: Klieboer Holdings Ltd. Landlord

And

Andrew Provost and Regena Ward Provost Tenant

Klieboer Holdings Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Provost and Regena Ward Provost (the 'Tenant') because the Tenant failed to meet a condition of Order LTB-L-067023-22 issued on May 23, 2023.

The Landlord's application was resolved by order LTB-L-052952-23-EX, issued on July 31, 2023. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-052952-23-EX on August 18, 2023.

The motion was heard by videoconference on October 4, 2023 at 1:00 pm.

The Landlord Representative Juduth Callender and the Tenant Regena Ward Provost attended the hearing.

The parties before the board consented to the following order.

It is ordered on consent that:

1. The motion to set aside Order LTB-L-052952-23-EX, issued on May 23, 2023, is denied.
2. The stay of Order LTB-L-052952-23-EX, is lifted effective November 30, 2023.

October 16, 2023
Date Issued

Kelly Delaney

Kelly Delaney
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

Ministry of the
Attorney General
Court Services Division
Central West Region

Robert S.K. Welch
Court House
59 Church Street
St. Catharines ON L2R 7N8

Ministère du
Procureur général
Division des services aux
tribunaux Région du Centre-
Ouest
Robert S.K. Welch

Palais de justice
59, rue Church
St. Catharines ON L2R 7N8

Tel./Tél.: (905) 988-6200 Fax/Téloc.: (905) 988-9466



Ontario

File No.: LTB-L-052952-23-SA

EVICION ADDRESS: MAIN FLOOR APARTMENT - 39 WELLINGTON STREET, ST. CATHARINES,
ONTARIO L2R 5P9

DELIVERY OF VACANT POSSESSION

BY VIRTUE of a Landlord and Tenant Board Order or an order of the court to me directed and delivered, I did
on this day at 1118 a.m./p.m., deliver vacant possession of the above noted premises to:

Name of Landlord/Mortgagee or Agent/Lawyer: KLIEBOER HOLDINGS LTD.

DATED AT ST. CATHARINES, ONTARIO

THIS 14 DAY OF DECEMBER, 20 23


ENFORCEMENT OFFICER

ACKNOWLEDGEMENT OF VACANT POSSESSION

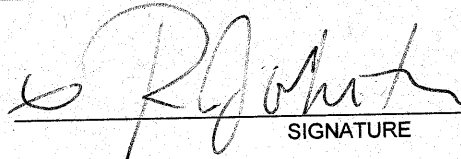
I HEREBY ACKNOWLEDGE THAT I HAVE RECEIVED VACANT POSSESSION OF THE ABOVE NOTED
PREMISES.

DATED AT ST. CATHARINES, ONTARIO

THIS 14 DAY OF DECEMBER, 20 23

Name of Landlord/Mortgagee or Agent/Lawyer:

Rebecca Johnstone
PRINT NAME


SIGNATURE

Eviction cancelled at the request of the Landlord/Mortgagee or Agent/Lawyer

I acknowledge that by requesting the cancellation of this eviction, I accept that any future requests to execute this
order will be subject to the payment of new enforcement fees and appropriate mileage expenses.

Name of Landlord/Mortgagee or Agent/Lawyer:

PRINT NAME

SIGNATURE