



JAN 24, 2024

MD

Landlord and Tenant Board

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

Citation: Amiraco Properties Inc v Striker, 2024 ONLTB 5264

Date: 2024-01-24

File Number: LTB-L-002543-24

In the matter of: 306, 8855 WYANDOTTE ST E
WINDSOR ON N8S1V1

Between: Amiraco Properties Inc Landlord

And

Emma Striker Tenant

Amiraco Properties Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Emma Striker (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on November 24, 2023, with respect to application LTB-L-072269-23-SA.

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 Tenant to terminate the tenancy and evict the Tenant if the Tenant does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.

2. I find that the Tenant has not met the following condition specified in the order:

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

3. 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 \$26.42. This amount is calculated as follows: \$803.58 x 12, divided by 365 days.

It is ordered that:

1. **Order LTB-L-072269-23-SA is cancelled.**

2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before February 4, 2024.

3. If the unit is not vacated on or before February 4, 2024, then starting February 5, 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 5, 2024.
5. The Tenant shall pay to the Landlord \$26.42 per day for compensation for the use of the unit starting January 25, 2024, to the date the Tenant moves out of the unit.
6. If the Tenant does not pay the Landlord the full amount owing on or before February 4, 2024, the Tenant will start to owe interest. This will be a simple interest calculated from February 5, 2024, at 7.00% annually on the balance outstanding.

January 24, 2024

Date Issued

Michael Di Salle

Michael Di Salle

Member, Landlord and Tenant Board

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

The Tenant has until February 3, 2024, to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenant files the motion by February 3, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on August 5, 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.