



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

Citation: Kelly Lake (No. 8) Inc. v Martin, 2023 ONLTB 57097

Date: 2023-08-18

File Number: LTB-L-045540-23

In the matter of: 13, 1578 KELLY LAKE RD
SUDBURY ON P3E4M1

Between: Kelly Lake (No. 8) Inc.

And

Bailey Martin and Christopher Granzie

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

AUG 18, 2023

Landlord and Tenant Board

Landlord

Tenants

Kelly Lake (No. 8) Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Bailey Martin and Christopher Granzie (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 April 12, 2023 with respect to application LTB-L-003681-23.

This application was heard by videoconference on August 10, 2023.

The Landlord's agent, Paula Peroni, and the Tenant, Christopher Granzie, attended the hearing.

The parties before the LTB consented to the following order:

Determinations:

1. Order LTB-L-003681-23 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 conditions in the order. This application was filed within 30 days of the breach.

The Breach

2. The Tenants have not met the following conditions specified in the order: The Tenants failed to pay the Landlord \$4,000.00 on or before June 1, 2023, and failed to pay the Landlord \$206.00, also on or before June 1, 2023.

Arrears Owinq

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 \$12,206.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$10,806.00 and that amount is included in this order. This order replaces order LTB-L-003681-23.
5. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from to April 1, 2023 to August 11, 2023.

Rent Deposit

6. The Landlord collected a rent deposit of \$1,416.80 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 January 1, 2023 to August 18, 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.

Daily Compensation

9. The Landlord is entitled to daily compensation from the day after this order is issued to the date the Tenants moves out of the unit at a daily rate of \$47.18. This amount is calculated as follows: \$1,435.00 x 12, divided by 365 days.

Relief from Eviction

10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Residential Tenancies Act, 2006 (the 'Act'), and given the parties' consent, find that it would not be unfair to postpone the eviction until September 1, 2023 pursuant to subsection 83(1)(b) of the Act.

It is ordered on consent that:

1. Order LTB-L-003681-23 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 September 1, 2023.
3. If the unit is not vacated on or before September 1, 2023, then starting September 2, 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 September 2, 2023.
5. The Tenants shall pay to the Landlord \$15,625.86*. This amount represents the rent owing up to August 11, 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 \$47.18 per day for compensation for the use of the unit starting August 12, 2023 to the date the Tenants moves out of the unit.
7. If the Tenants does not pay the Landlord the full amount owing on or before September 1, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from September 2, 2023 at 6.00% annually on the balance outstanding.

August 18, 2023
Date Issued

Mark Melchers
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on March 2, 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 March 31, 2023	\$10,806.00
New Arrears	to August 11, 2023	\$6,258.98
New NSF cheque charges and related administration charges		\$0.00
Less the rent deposit:		-\$1,416.80
Less the interest owing on the rent deposit	January 1, 2023 to August 18, 2023	-\$22.32
Plus daily compensation owing for each day of occupation starting August 19, 2023		\$47.18 (per day)
Total the Tenants must pay the Landlord:		\$15,625.86 +\$47.18 per day starting August 12, 2023