



**JAN 03, 2024**

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

**Citation:** Kanagiri v Green, 2024 ONLTB 46

**Date:** 2024-01-03

**File Number:** LTB-L-092029-23

**In the matter of:** 54 BEAR RUN RD  
BRAMPTON ON L6X2Z8

**Between:** Raghavan Kanagiri Landlord

**And**

Pattian Green and Iton Green Tenants

Raghavan Kanagiri (the 'Landlord') applied for an order to terminate the tenancy and evict Pattian Green and Iton Green (the 'Tenants') and for an order to have the Tenant pay the rent they owe and for an order to have the Tenants pay compensation for damage they owe because the Tenants did not meet a condition specified in the mediated settlement signed by the parties on August 21, 2023 with respect to application LTB-L-043881-23.

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 mediated settlement:

**The Tenants failed to pay the arrears instalments of \$ 719.00 and \$200.00 due on or before November 20, 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 Landlord is entitled to request an order for the payment of arrears owing.
4. The Tenants were required to pay \$16,542.33 for rent arrears, utility bills and the application filing fee in the previous mediated settlement. The amount that is still owing from that order is \$13,785.33 and that amount is included in this order.

5. The previous application includes a request for an order for compensation for damage and the order requires the Tenants to pay an amount for damage. Accordingly, the Landlord is entitled to request an order for compensation for damage.
6. The Tenants were required to pay \$16,542.33 for compensation for damage and the application filing fee in the previous mediated settlement. The amount that is still owing from that mediated settlement is \$13,785.33 and that amount is included in this order.
7. 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 \$80.55. This amount is calculated as follows: \$2,450.00 x 12, divided by 365 days.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before January 14, 2024.
2. If the unit is not vacated on or before January 14, 2024, then starting January 15, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 January 15, 2024.
4. The Tenants shall pay to the Landlord \$16,476.65 \*. **(Less any payments made by the Tenants after this application was filed on November 23, 2023).** This amount represents the rent owing up to January 3, 2024 and the cost of filing the previous application.
5. The Tenants shall pay to the Landlord \$27,570.66\*. This amount represents the unpaid compensation for damage the costs related to the application fee for the previous application.
6. The Tenants shall also pay to the Landlord \$80.55 per day for compensation for the use of the unit starting January 4, 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 January 14, 2024, the Tenants will start to owe interest. This will be a simple interest calculated from January 15, 2024 at 7.00% annually on the balance outstanding.

**January 3, 2024**  
**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 January 13, 2024 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 January 13, 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 July 15, 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:**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Amount owing from previous mediated settlement	Up to August 31, 2023	\$13,785.33
New Arrears	December 1, 2023 to January 3, 2024	\$2,691.65
Plus daily compensation owing for each day of occupation starting January 4, 2024		\$80.55 (per day)
<b>Total the Tenants must pay the Landlord:</b>		<b>\$16476.65 +\$80.55 per day starting January 4, 2024</b>