



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

**Citation:** Power v Carter, 2023 ONLTB 52373

**Date:** 2023-08-01

**File Number:** LTB-L-055295-23

**In the matter of:** A, 31 SUNNY ACRES RD  
KINGSTON ON K7M3N3

**Between:** Susan Power

**And**

Olivia Carter

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

**AUG 1 2023**

Landlord and Tenant Board

Landlord

Tenant

Susan Power (the 'Landlord') applied for an order to terminate the tenancy and evict Olivia Carter (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on July 13, 2023, with respect to application LTB-L-074333-22.

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 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 of \$1,510.00 in full and on time, on or before July 1, 2023**
3. The previous application includes a request for an order for compensation for damage and the order requires the Tenant to pay an amount for damage. Accordingly, the Landlord is entitled to request an order for compensation for damage.
4. The Tenant was required to pay \$4,530.00 for compensation for damage and the application filing fee in the previous order. The amount that is still owing from that order is \$1,510.00 and that amount is included in this order.
5. 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 \$49.64. This amount is calculated as follows: \$1,510.00 x 12, divided by 365 days.

6. The prior order LTB-L-074333-22 notes the Landlord undertakes to notify the Tenant's legal representative, John Done on any application made under s. 78 of *the Residential Tenancies Act, 2006* (the 'Act'). I note that this was not a condition subject to s. 78 of the Act, but a courtesy undertaken by the Landlord.

**It is ordered that:**

1. Order LTB-L-074333-22 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 August 12, 2023.
3. If the unit is not vacated on or before August 12, 2023, then starting August 13, 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 13, 2023.
5. The Tenant shall pay to the Landlord \$1,510.00 (**Less any payments made by the Tenant after this application was filed on July 14, 2023**). This amount represents the unpaid compensation for damage.
6. The Tenant shall also pay to the Landlord \$49.64 per day for compensation for the use of the unit starting August 2, 2023, to the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before August 12, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from August 13, 2023, at 6.00% annually on the balance outstanding.

**August 1, 2023**

**Date Issued**

  
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Kimberly Parish  
Member, Landlord and Tenant Board

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

The Tenant has until August 11, 2023, 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 August 11, 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 13, 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 Tenant must pay the Landlord:**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Amount of compensation for damages owing from previous order		\$1,510.00
Plus daily compensation owing for each day of occupation starting August 2, 2023		\$49.64 (per day)
<b>Total the Tenant must pay the Landlord:</b>		<b>\$1,510.00 + \$49.64 per day starting August 2, 2023</b>