



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

Citation: Ontario Aboriginal Housing Support Services Corporation v Bellefeuille, 2023 ONLTB
26126

Date: 2023-03-16

File Number: LTB-L-077934-22

2023 ONLTB 26126 (CanLII)

In the matter of: 457 Brown Street
Warton ON N0H2T0

Between: Infinity Property Services an Agency of the Landlord
Metis Nation of Ontario and Ontario
Aboriginal Housing Support Services
Corporation

And

Kara Bellefeuille Tenant

Infinity Property Services an Agency of the Metis Nation of Ontario and Ontario Aboriginal Housing Support Services Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Kara Bellefeuille (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on October 28, 2022 with respect to application LTB-L-016209-22.

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 conditions specified in the order:

The Tenant failed to pay \$3,500.00 towards arrears on or before November 30, 2022.

The Tenant failed to pay lawful monthly rent on or before December 1, 2022.

The Tenant failed to pay \$300.00 towards arrears on or before December 1, 2022.

3. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenant 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 Tenant was required to pay \$8,300.00 for rent arrears, and the application filing fee in the previous order. The amount that is still owing from that order is \$8,300.00 and that amount is included in this order.
5. Since the date of the previous order, the Tenant has failed to pay the full rent that became owing for the period from October 1, 2022 to December 31, 2022.
6. 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 \$31.10. This amount is calculated as follows: \$946.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-016209-22 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 March 27, 2023.
3. If the unit is not vacated on or before March 27, 2023, then starting March 28, 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 March 28, 2023.
5. The Tenant shall pay to the Landlord \$11,635.60* (**Less any payments made by the Tenant after this application was filed on December 15, 2022**). This amount represents the rent owing up to March 16, 2023, and the cost of filing the previous application, less the rent deposit and interest the Landlord owes on the rent deposit.
6. The Tenant shall also pay to the Landlord \$31.10 per day for compensation for the use of the unit starting March 17, 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 March 27, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from March 28, 2023 at 5.00% annually on the balance outstanding.

March 16, 2023

Date Issued

Kelly Delaney

Member, Landlord and Tenant Board

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

The Tenant has until March 26, 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 March 26, 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 September 28, 2023 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:

| Reason for amount owing | Period | Amount |
|----------------------------------------------------------------------------------|-----------------------------------|-------------------------------------------------------------|
| Amount owing from previous order | Up to September 30, 2022 | \$8,300.00 |
| New Arrears | October 1, 2022 to March 16, 2023 | \$3,335.60 |
| Less the rent deposit: | | -\$0.00 |
| Less the interest owing on the rent deposit | to March 16, 2023 | -\$0.00 |
| Plus daily compensation owing for each day of occupation starting March 17, 2023 | | \$31.10 (per day) |
| Total the Tenant must pay the Landlord: | | \$11,635.60 +\$31.10 per day starting March 17, 2023 |

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