



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

Citation: Zhou (POA) v Abaie, 2023 ONLTB 30175

Date: 2023-04-12

File Number: LTB-L-017663-23

In the matter of: 5 Tahoe Crt
North York ON M3B3M6

Between: Ji Zhou (POA) Landlord

And

Alireza Abaie Tenants
Azadeh Hashem Nia

Ji Zhou (POA) (the 'Landlord') applied for an order to terminate the tenancy and evict Alireza Abaie and Azadeh Hashem Nia (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 January 26, 2023 with respect to application LTB-L-034159-22.

This application was decided without a hearing being held.

Determinations:

1. The previous 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 condition specified in the order: **The Tenants failed to pay February 2023 lawful rent on February 15, 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 \$55,825.00 for rent arrears, and the application filing fee in the previous order. This amount of arrears and costs owing exceeds the Board's jurisdiction.
5. Since the date of the previous order, the Tenants has failed to pay the full rent that became owing for the period from February 15, 2023 to March 14, 2023.

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6. 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 \$187.04. This amount is calculated as follows: \$5,689.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-034159-22 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 April 23, 2023.
3. If the unit is not vacated on or before April 23, 2023, then starting April 24, 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 April 24, 2023.
5. The Tenants shall pay to the Landlord \$35,000.00 (less any amounts paid to the Landlord after the declaration was made in support of this application on February 16, 2023). This amount represents the Board's jurisdictional limit as set out in s.207(1) of the *Residential Tenancies Act*, 2006 (the Act).
6. The Tenants shall also pay to the Landlord \$187.04 per day for compensation for the use of the unit starting April 13, 2023 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 April 23, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from April 24, 2023 at 6.00% annually on the balance outstanding.

April 12, 2023

Date Issued

Vladislav Shustov

Member, Landlord and Tenant Board

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

The Tenants has until April 22, 2023 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 April 22, 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 October 24, 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.

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Summary of Calculation

Amount the Tenants must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to February 14, 2023	\$35,000.00
New Arrears	February 15, 2023 to April 12, 2023	\$00.00
Plus daily compensation owing for each day of occupation starting April 13, 2023		\$187.04 (per day)
Total the Tenants must pay the Landlord:		\$35,000.00 +\$187.04 per day starting April 13, 2023