



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

**Citation:** CAMSTA (No. 1) LIMITED PARTNERSHIP v Brown, 2024 ONLTB 6746

**Date:** 2024-02-01

**File Number:** LTB-L-001960-24

**In the matter of:** 202, 95 PAISLEY BLVD W  
MISSISSAUGA ON L5B1E7

**Between:** CAMSTA (No. 1) LIMITED PARTNERSHIP Landlord

**And**

Lorna Brown Tenants  
Christine Griffith

CAMSTA (No. 1) LIMITED PARTNERSHIP (the 'Landlord') applied for an order to terminate the tenancy and evict Lorna Brown and Christine Griffith (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 December 20, 2023, with respect to application LTB-L-075625-23.

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 did 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(s) specified in the order:
  - a) **The Tenant failed to pay \$2,500.00 towards arrears, on or before December 20, 2023.**
  - b) **The Tenant failed to pay the full lawful monthly rent on or before January 1, 2024**
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.

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4. The Tenants were required to pay \$4,673.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$1,673.00 and that amount is included in this order.
5. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from January 1, 2024, to January 31, 2024.
6. The Landlord collected a rent deposit of \$1,414.82 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 March 1, 2023, to February 1, 2024.
8. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants are required to pay.
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 \$50.23. This amount is calculated as follows: \$1,527.94 x 12, divided by 365 days.

**It is ordered that:**

1. Order LTB-L-075625-23 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 February 12, 2024.
3. If the unit is not vacated on or before February 12, 2024, then starting February 13, 2024, 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 February 13, 2024.
5. The Tenants shall pay to the Landlord \$1,303.59. **(Less any payments made by the Tenants after this application was filed on January 16, 2024).** This amount represents the rent owing up to February 1, 2024 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 \$50.23 per day for compensation for the use of the unit starting February 2, 2024, to the date the Tenants moves out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before February 12, 2024, the Tenants will start to owe interest. This will be a simple interest calculated from February 13, 2024, at 7.00% annually on the balance outstanding.

**February 1, 2024**  
**Date Issued**

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 James McMaster  
 Member, Landlord and Tenant Board

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

The Tenants have until February 11, 2024, to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the tenants file the motion by February 11, 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 August 12, 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.

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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 December 31, 2023	\$1,673.00
New Arrears	January 1, 2024, to February 1, 2024	\$1,078.17
New NSF cheque charges and related administration charges		\$0.00
Less the rent deposit:		-\$1,414.82
Less the interest owing on the rent deposit	March 1, 2023, to February 1, 2024	-\$32.76
Plus, daily compensation owing for each day of occupation starting February 2, 2024		\$50.23 (per day)
<b>Total the Tenants must pay the Landlord:</b>		<b>\$1,303.59 + \$50.23 per day starting February 2, 2024</b>