



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

Citation: CLV Group Inc. v Tanoh, 2024 ONLTB 15240

Date: 2024-02-29

File Number: LTB-L-089668-23

In the matter of: 006, 290 MONA AVE
VANIER ON K1L7A1

Between: CLV Group Inc. Landlord

And

Laura Wendy Tanoh Tenants
Emissah Kimham Kouassi

On December 22, 2023, the Landlord applied for an order to terminate the tenancy and evict Laura Wendy Tanoh and Emissah Kimham Kouassi (the 'Tenants') and for an order to have the Tenants pay the rent the Tenants owe because the Tenants failed to meet a condition specified in the order issued by the Board on February 8, 2023, with respect to application LTB-L033367-22.

A hearing was held by videoconference on February 20, 2024 to consider this application.

Only the Landlord's Legal Representative attended the hearing.

As of 10:08 am the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Preliminary Issue:

1. At the hearing the Landlord's Legal Representative requested the consent of the Board to amend the L4 application to change the city of the rental unit from Ottawa to Vanier.
2. I consented to the request to amend the L4 application.

Determinations:

1. The order LTB-L-033367-22 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 conditions in the order.
2. I find that the Tenants did not meet the following conditions specified in the previous order:
 - a) The Tenants failed to pay the lawful rent owing on or before December 1, 2023.
 - b) The Tenants failed to make the payment of \$288.20 on December 8, 2023 and December 22, 2023, being every second Friday of the month.
3. The Landlords evidence was that the Tenants paid the lawful monthly rent for February 2023 in full and made a payment toward arrears in the amount of \$288.10 on February 10, 2023.
4. The application was filed within 30 days of the breach.
5. The Landlord collected a rent deposit of \$1,379.00 from the Tenants and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenants for the period from August 20, 2021 to February 20, 2024.
7. The amount of the rent deposit and interest on the rent deposit are applied to the amount the Tenants are required to pay.
8. The lawful monthly rent amount changed to \$1,459.62 as of October 1 2023.
9. The amount of arrears the Tenants owes is \$29,074.14, up to February 29, 2024, which represents arrears of rent owing, including the application filing fee and NSF from previous order, less the interest the Landlords owe the Tenants for the last month rent deposit.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Landlords were not aware of any circumstances of the Tenants relevant to section 83. The Tenants were not present at the hearing to provide any evidence of such circumstances, and there is otherwise no evidence in the record before me that suggests eviction should be refused or delayed. CLV Group Inc is owned by a private individual and the arrears are coming close to the

Board's jurisdiction of \$35,000.00. The Landlord has tried to communicate with the Tenants; however, they are not responsive.

It is ordered that:

1. The tenancy between the Landlords and Tenants is terminated. The Tenants must move out of the rental unit on or before March 12, 2024.
2. If the unit is not vacated on or before March 12, 2024, then starting March 13, 2024, the Landlords 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 Landlords on or after March 13, 2024.
4. The Tenants shall pay the Landlords \$47.99 per day for compensation for the use of the unit starting March 1, 2024, to the date the Tenants move out of the rental unit.
5. The Tenant shall pay to the Landlord \$29,074.14. This amount represents the rent owing up to February 29, 2024, unpaid NSF charges and the cost of filing the previous application, less the rent deposit and interest the Landlord owes on the rent deposit.
6. If the Tenants does not pay the Landlord the full amount owing on or before March 11, 2024, the Tenants will start to owe interest. This will be simple interest calculated from March 12, 2024 at 7.00% annually on the balance outstanding.

February 29, 2024

Date Issued

Trish Carson

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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 of the Tenant expires on September 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 Table.

SUMMARY OF CALCULATIONS TABLE

Reason for amount owing	Period	Amount
Amount of arrears owing from previous order, plus filing fee and NSF	Up to January 31, 2023	\$13,255.40
New Arrears	from March 1, 2023 to February 20, 2024	\$17,266.24
New NSF cheque charges and related administration charges		\$0.00
Less the rent deposit:		-\$1,379.00
Less the interest owing on the rent deposit	August 20, 2021 to February 20, 2024	-\$68.50
Plus daily compensation owing for each day of occupation starting March 1, 2024		\$47.99 (per day)

Total the Tenant must pay the Landlord:	\$29,074.14 + \$47.99 per day starting March 1, 2024
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