



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

**Citation:** Skyline Living v King, 2024 ONLTB 1117

**Date:** 2024-01-04

**File Number:** LTB-L-082987-23

**In the matter of:** 311, 995 16TH ST E  
OWEN SOUND ON N4K6A8

**Between:** Skyline Living Landlord

**And**

Tracy Lee King Tenant

Skyline Living (the 'Landlord') applied for an order to terminate the tenancy and evict Tracy Lee King (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on September 28, 2023 with respect to previous application LTB-L-005878-23.

A hearing was held by videoconference on December 14, 2023 to consider this application.

The Landlord's Agent Susan Alexander and the Tenant attended the hearing.

**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 conditions in the order.
2. I find that the Tenant did not meet the following conditions specified in the order: The Tenant did not pay arrears in the amount of \$500.00 which was due on or before October 15, 2023 and the Tenant did not pay the full lawful rent in full which was due on or before October 1, 2023.
3. The Tenant does not dispute the Landlord's claims that the Tenant has not complied with the terms of the order LTB-L-005878-23 issued September 28, 2023.

4. The application was filed within 30 days of the breach.
5. The previous application includes a request for an order for the payment of arrears of rent and the 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.
6. The Tenant was ordered to pay \$9,274.10 for rent arrears, any NSF charges the Landlord incurred and the application filing fee in the previous order. However, at the hearing, the Landlord's Agent acknowledged that they would not be entitled to any NSF charges such that the amount outstanding from the previous order is \$9,274.10 less \$100.00 NSF for a total amount of \$9,174.10. The amount that is still owing from that is \$9,174.10 and that amount is included in this order. This order replaces order LTB-L005878-23.
7. 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, 2023 to December 14, 2023.
8. The Landlord collected a rent deposit of \$981.97 from the Tenant and this deposit is still being held by the Landlord.
9. Interest on the rent deposit is owing to the Tenant for the period from February 1, 2023 to December 14, 2023.
10. The amount of the rent deposit and interest on the rent deposit are applied to the amount the Tenant is required to pay.
11. The Landlord is entitled to daily compensation from starting December 15, 2023 until the date the Tenant moves out of the unit at a daily rate of \$33.01. This amount is calculated as follows: \$1,004.12 x 12 months, divided by 365 days.

Section 83 considerations

12. The Tenant does not dispute the amount of arrears and does not dispute the Landlord's application. The Tenant requests additional time to vacate the rental unit to January 15, 2024. The Landlord's Agent agrees to this date as well. I am satisfied that the Tenant's request is reasonable. 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 not be unfair to postpone the eviction until January 15, 2024 pursuant to subsection 83(1)(b) of the Act.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before January 15, 2024.
2. If the unit is not vacated on or before January 15, 2024, then starting January 16, 2024, the Landlord 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 Landlord on or after January 16, 2024.
4. The Tenant shall pay to the Landlord **\$10,641.19** \*. This amount represents the rent owing up to December 14, 2023 and the cost of filing the previous application, less the rent deposit and interest the Landlord owes on the rent deposit.
5. The Tenant shall also pay to the Landlord \$33.01 per day for compensation for the use of the unit starting December 15, 2023 to the date the Tenant moves out of the unit.
6. If the Tenant does not pay the Landlord the full amount owing on or before January 15, 2024, the Tenant will start to owe interest. This will be simple interest calculated from January 16, 2024 at 7.00% annually on the balance outstanding.

**January 4, 2024**

\_\_\_\_\_ **Date Issued**

Heather Chapple  
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 July 16, 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**

**Amount the Tenant must pay the Landlord:**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Amount of arrears owing from previous order (less NSF fees as not applicable) plus filing fee for previous application	Up to September 30, 2023	\$9,174.10
New Arrears	from October 1, 2023 to December 14, 2023	\$2,470.38
Less the rent deposit:		-\$981.97
Less the interest owing on the rent deposit	February 1, 2023 to December 14, 2023	-\$21.32
Plus daily compensation owing for each day of occupation starting December 15, 2023		<b>\$33.01</b> (per day)

<b>Total the Tenant must pay the Landlord:</b>	<b>\$10,641.19 + \$33.01 per day starting December 15, 2023</b>
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