



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

**Citation:** Luong v Muhezagiro, 2023 ONLTB 75189

**Date:** 2023-11-15

**File Number:** LTB-L-054625-23

**In the matter of:** APT 1, 100 DOANE ST OTTAWA  
ON K2B6G9

**Between:** Dinh Dung Luong Landlord

**And**

Radjabu Muhezagiro Tenants  
Lydia Inamaharo

Dinh Dung Luong (the 'Landlord') applied for an order to terminate the tenancy and evict Radjabu Muhezagiro and Lydia Inamaharo (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the order issued by the Board on May 16, 2023 with respect to application LTB-L-052573-22.

A hearing was held by videoconference on September 11, 2023 to consider this application.

The Landlord and the Tenant, Lydia Inamaharo, attended the hearing. The Tenant confirmed she had the authority to speak on behalf of the other Tenant. The Tenant declined the opportunity to speak to Tenant Duty Counsel prior to 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 Tenants do not meet certain conditions in the order.
2. The application was filed within 30 days of the breach.

3. The Tenant did not dispute the allegations in the Landlord's application and stated they have not made any payments to the Landlord since June 1, 2023. The Tenant did not provide any details as to why the rent nor the arrears payments were not made. Further, she was unable to provide a revised repayment plan and understood the tenancy would be terminated.
4. Based on the submissions of the parties, I am satisfied that the Tenants breached order LTB-L-052573-22 issued on May 16, 2023 and as a result, the Landlord's application is granted.

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Arrears

5. 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.
6. The Tenants were ordered to pay \$14,898.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$12,398.00 and that amount is included in this order. This order replaces order LTB-L-052573-22.
7. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from July 1, 2023 to September 11, 2023.

Daily compensation

8. The Landlord is entitled to daily compensation from starting September 12, 2023 until the date the Tenants move out of the unit at a daily rate of \$51.55. This amount is calculated as follows: \$1,568.00 x 12 months, divided by 365 days.

Section 83 considerations

9. The Landlord testified the Tenants owe \$16,340.00 in rent arrears and the tenancy is no longer viable. He stated he is suffering financial hardship and can no longer sustain this tenancy. He is seeking an 11-day eviction order.
10. The Tenant offered no testimony with respect to their circumstances and stated she understood they will be required to move out of the rental unit.
11. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

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**It is ordered that:**

1. Order LTB-L-052573-22 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 November 26, 2023.
3. If the unit is not vacated on or before November 26, 2023, then starting November 27, 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 November 27, 2023.
5. The Tenants shall pay to the Landlord \$16,101.05\*. This amount represents the rent owing up to September 11, 2023 and the cost of filing the previous application, .
6. The Tenants shall also pay to the Landlord \$51.55 per day for compensation for the use of the unit starting September 12, 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 November 26, 2023, the Tenant will start to owe interest. This will be simple interest calculated from November 27, 2023 at 7.00% annually on the balance outstanding.

2023 ONLTB 75189 (CanLII)

**November 15, 2023**

**Date Issued**

15 Grosvenor Street, Ground Floor  
Toronto ON M7A 2G6

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Susan Priest

Member, Landlord and Tenant Board

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 May 27, 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:**

Reason for amount owing	Period	Amount
Amount of arrears owing from previous order	Up to March 31, 2023	\$12,398.00
New Arrears	from July 1, 2023 to September 11, 2023	\$3,703.05
Less the rent deposit:		-\$0.00
Less the interest owing on the rent deposit	to September 11, 2023	-\$0.00
Plus daily compensation owing for each day of occupation starting September 12, 2023		<b>\$51.55</b> (per day)

<b>Total the Tenants must pay the Landlord:</b>	<b>\$16,101.05 + \$51.55 per day starting September 12, 2023</b>
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