



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

Citation: La belle v Bisson, 2023 ONLTB 71142

Date: 2023-11-02

File Number: LTB-L-065177-23

In the matter of: 811 CAMERON ST
PETERBOROUGH ON K9J4A2

Between: Troy La Belle Landlord

And

Ryan Bisson Tenants
Shannon Rose

Troy La Belle (the 'Landlord') applied for an order to terminate the tenancy and evict Ryan Bisson and Shannon Rose (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 August 18, 2023 with respect to application LTB-L-060150-22-RV.

A hearing was held by videoconference on October 19, 2023 to consider this application.

Only the Landlord and the Landlord's legal representative, Crystal Francey ('CF'), attended the hearing.

As of 9:50 a.m., 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.

Determinations:

1. This application was directed to a hearing because the Landlord's first name is spelled "Troy" in LTB-L-060150-22-RV, but is spelled "Tory" in this application. CF confirmed that this was a typo in the L4 application form, and the Landlord's first name is "Troy". The Application is amended to correctly identify the Landlord as "Troy La Belle". There is no prejudice to the Tenants in granting this amendment.
2. Order LTB-L-060150-22-RV 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.

The Breach

3. I find that the Tenants did not meet the following condition specified in the order: the Tenants failed to pay \$500.00 toward the rent arrears by July 31, 2023.
4. The application was filed within 30 days of the breach.

Arrears Owning

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 \$18,411.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$17,911.00 and that amount is included in this order. This order replaces order LTB-L-060150-22-RV.
7. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from June 1, 2023 to October 19, 2023.

Daily Compensation

8. The Landlord is entitled to daily compensation from starting October 20, 2023 until the date the Tenants move out of the unit at a daily rate of \$66.58. This amount is calculated as follows: \$2,025.00 x 12 months, divided by 365 days.

Section 83 Considerations

9. CF said that The Tenants have not paid any money to the Landlord for rent or rent arrears since this application was filed. She was not aware of any other circumstances that should be considered with respect to whether eviction should be delayed or denied.
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.

It is ordered that:

1. Order LTB-L-060150-22-RV 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 13, 2023.

3. If the unit is not vacated on or before November 13, 2023, then starting November 14, 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 14, 2023.
5. The Tenants shall pay to the Landlord \$27,276.02*. This amount represents the rent owing up to October 19, 2023 and the cost of filing the previous application.
6. The Tenants shall also pay to the Landlord \$66.58 per day for compensation for the use of the unit starting October 20, 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 13, 2023, the Tenants will start to owe interest. This will be simple interest calculated from November 14, 2023 at 7.00% annually on the balance outstanding.

November 2, 2023
Date Issued

Mark Melchers
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 Tenants expires on May 14, 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 Tenants must pay the Landlord:

Reason for amount owing	Period	Amount
Amount of arrears owing from previous order	Up to May 31, 2023	\$17,911.00
New Arrears	from June 1, 2023 to October 19, 2023	\$9,365.02
Less the rent deposit:		-\$0.00
Less the interest owing on the rent deposit	to October 19, 2023	-\$0.00
Plus daily compensation owing for each day of occupation starting October 20, 2023		\$66.58 (per day)

Total the Tenants must pay the Landlord:	\$27,276.02 + \$66.58 per day starting October 20, 2023
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2023 ONLTB 71142 (CanLII)