



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

Citation: Amelin Property Management v De leon, 2023 ONLTB 62425

Date: 2023-09-21

File Number: LTB-L-069507-23

In the matter of: 1, 21 MEADOWBROOK RD
NORTH YORK ON M6B2S3

Between: Amelin Property Management Landlord

And

Esther De leon and Viviana Millones Tenants

Amelin Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Esther De leon and Viviana Millones (the 'Tenants') and for an order to have the Tenants pay compensation for damage they owe because the Tenants did not meet a condition specified in the order issued by the LTB on August 4, 2023 with respect to application LTB-L-067757-22.

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 does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenants has not met the following condition specified in the order: The tenant failed to pay the lawful rent of \$1315.60 on or before September 1st, 2023.
3. The previous application includes a request for an order for compensation for damage and the order requires the Tenants to pay an amount for damage. Accordingly, the Landlord is entitled to request an order for compensation for damage.
4. The Tenants was required to pay \$1,315.60 for compensation for damage and the application filing fee in the previous order. The amount that is still owing from that order is

\$1,315.60 and that amount is included in this order. This order replaces order LTB-L067757-22.

5. The Landlord collected a rent deposit of \$1,315.60 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 January 1, 2023 to September 21, 2023.
7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants is required to pay.
8. 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 \$43.25. This amount is calculated as follows: $\$1,315.60 \times 12$, divided by 365 days.

It is ordered that:

1. Order LTB-L-067757-22 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 October 2, 2023.
3. If the unit is not vacated on or before October 2, 2023, then starting October 3, 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 October 3, 2023.
5. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the compensation for damage and the cost of filing the previous application the Landlord is entitled to by \$23.79*.
6. However, the Landlord is authorized to deduct the following from the amount the Landlord owes the Tenants: \$43.25 per day for compensation for the use of the unit starting September 22, 2023 to the date the Tenants moves out of the unit.
7. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.

September 21, 2023

Date Issued

Vladislav Shustov

Member, Landlord and Tenants Board

15 Grosvenor Street, Ground Floor,

Toronto ON M7A 2G6

The Tenants has until October 1, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants files the motion by October 1, 2023 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 April 3, 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.

Summary of Calculation

Amount the Tenants must pay the Landlord:

Reason for amount owing	Period	Amount
Amount of compensation for damages owing from previous order		\$1,315.60
Less the rent deposit:		-\$1,315.60
Less the interest owing on the rent deposit	January 1, 2023 to September 21, 2023	-\$23.79
Plus daily compensation owing for each day of occupation starting September 22, 2023		\$43.25 (per day)
Total the Tenants must pay the Landlord:		- \$23.79 +\$43.25 per day starting September 22, 2023

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