



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

Citation: Strathgowan Apartments v Harold Tugadi, 2023 ONLTB 43966

Date: 2023-06-21

File Number: LTB-L-043748-23

In the matter of: 302, 1181 ELLESMERE RD
SCARBOROUGH ON M1P2X6

Between: Strathgowan Apartments Landlord

And

Harold Tugadi Tenant

Strathgowan Apartments (the 'Landlord') applied for an order to terminate the tenancy and evict Harold Tugadi (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the mediated settlement signed by the parties on May 2, 2023, with respect to application LTB-L-021324-23.

This application was decided without a hearing being held.

Determinations:

1. The mediated settlement 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 condition(s) in the mediated settlement. This application was filed within 30 days of the breach.
2. I find that the Tenant has not met the following condition specified in the mediated settlement: **The Tenant failed to pay the full \$200.00 towards arrears on or before May 15, 2023**
3. The previous application includes a request for an order for the payment of arrears of rent and the mediated settlement 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.

4. The Tenant was required to pay \$4,364.94 for rent arrears and the application filing fee in the previous mediated settlement. The amount that is still owing from that mediated settlement is \$624.00 and that amount is included in this order.
5. The Landlord collected a rent deposit of \$1,183.84 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from February 1, 2023, to June 21, 2023.
7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.
8. The Landlord is entitled to daily compensation from the day after this order is issued to the date the Tenant moves out of the unit at a daily rate of \$38.92. This amount is calculated as follows: \$1,183.84 x 12, divided by 365 days.

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 July 2, 2023.
2. If the unit is not vacated on or before July 2, 2023, then starting July 3, 2023, 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 July 3, 2023.
4. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, compensation and the cost of filing the previous application the Landlord is entitled to by \$331.24.
5. However, the Landlord is authorized to deduct the following from the amount the Landlord owes the Tenant: \$38.92 per day for compensation for the use of the unit starting June 22, 2023, to the date the Tenant moves out of the unit.
6. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

June 21, 2023

Date Issued

Michael Di Salle

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor, Toronto
ON M7A 2G6

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The Tenant has until July 1, 2023, to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the tenant files the motion by July 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 January 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 Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous mediated settlement	Up to April 30, 2023	\$624.00
New Arrears	to June 21, 2023	\$240.03
Less the rent deposit:		-\$1,183.84
Less the interest owing on the rent deposit	February 1, 2023, to June 21, 2023	-\$11.43
Plus daily compensation owing for each day of occupation starting June 22, 2023		\$38.92 (per day)
Total the Tenant must pay the Landlord:		- \$331.24 + \$38.92 per day starting June 22, 2023

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