



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

Citation: Toronto Community Housing Corporation v Latifah Komeka Sayshelle Ford, 2023
ONLTB 44831

Date: 2023-06-20

File Number: LTB-L-076954-22

In the matter of: 1618, 155 SHERBOURNE STREET
TORONTO ONTARIO M5A3W2

Between: Toronto Community Housing Corporation Landlord

And

Latifah Komeka Sayshelle Ford Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Latifah Komeka Sayshelle Ford (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 order issued by the LTB on September 29, 2021 with respect to application TSL-22735-21.

This application was directed to a hearing by endorsement dated May 9, 2022.

The application was scheduled to be heard on December 13, 2021 before being rescheduled to be heard on June 27, 2022 and again on May 1, 2023, when the application was adjourned on consent of the parties.

The application was heard by videoconference on April 3, 2023.

The Landlord was represented by Camille Abraham.

As of 2:25 p.m., the Tenant was 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. 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 condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenant has not met the following condition(s) specified in the order:

The Tenant failed to pay the lawful monthly rent on or before April 1, 2021.

3. The previous application includes a request for an order for the payment of arrears of rent and the order 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 \$7,185.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$6,455.00 and that amount is included in this order.
5. Since the date of the previous order, the Tenant has failed to pay the full rent that became owing for the period from November 1, 2021 to April 30, 2022.
6. 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 \$44.22. This amount is calculated as follows: \$1,345.00 x 12, divided by 365 days.

It is ordered that:

1. Order SL-22735-21 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before July 1, 2023.
3. If the unit is not vacated on or before July 1, 2023, then starting July 2, 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 July 2, 2023.
5. The Tenant shall pay to the Landlord \$29,594.40* ***(Less any payments made by the Tenants after this application was filed on April 22, 2022)**. This amount represents the rent owing up to June 20, 2023 and the cost of filing the previous application.
6. The Tenant shall also pay to the Landlord \$44.22 per day for compensation for the use of the unit starting June 21, 2023 to the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before July 1, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from July 2, 2023 at 6.00% annually on the balance outstanding.

June 20, 2023**Date Issued**_____
Emile Ramlochan

Member, Landlord and Tenant Board

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

The Tenant has until June 30, 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 June 30, 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 2, 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 order	Up to September 30, 2021	\$6,455.00
New Arrears	November 1, 2021 to June 20, 2023	\$23,139.40
New NSF cheque charges and related administration charges		\$0.00
Plus daily compensation owing for each day of occupation starting June 21, 2023		\$44.22 (per day)
Total the Tenant must pay the Landlord:		\$29,594.40 + \$44.22 per day starting June 21, 2023

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