



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

Citation: Sayeda Tasnim Qamar v Abdul Aziz Samad, 2023 ONLTB 42027

Date: 2023-06-13

File Number: LTB-L-034933-23

In the matter of: Basement, 80 DARLINGSIDE DR
SCARBOROUGH ON M1E3P3

Between: Sayeda Tasnim Qamar Landlord

And

Abdul Aziz Samad Tenant

Sayeda Tasnim Qamar (the 'Landlord') applied for an order to terminate the tenancy and evict Abdul Aziz Samad (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on April 6, 2023 with respect to application LTB-L-037947-22.

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 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 specified in the order:

The Tenant failed to pay to the Landlord the total balance of the outstanding utilities by April 30, 2023.

3. The previous application includes a request for an order for compensation for damage and the order requires the Tenant to pay an amount for damage. Accordingly, the Landlord is entitled to request an order for compensation for damage.

4. The Tenant was required to pay \$2,016.40 for compensation for damage and the application filing fee in the previous order. The amount that is still owing from that order is \$2,016.40 and that amount is included in this order. This order replaces order LTB-L-037947-22.

5. 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 \$39.45. This amount is calculated as follows: \$1,200.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-037947-22 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 June 24, 2023.
3. If the unit is not vacated on or before June 24, 2023, then starting June 25, 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 June 25, 2023.
5. The Tenant shall pay to the Landlord \$2,016.40 (**Less any payments made by the Tenant after this application was filed on May 1, 2023**). This amount represents the unpaid compensation for damage the costs related to the application fee for the previous application.
6. The Tenant shall also pay to the Landlord \$39.45 per day for compensation for the use of the unit starting June 14, 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 June 24, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from June 25, 2023 at 6.00% annually on the balance outstanding.

June 13, 2023

Date Issued

Michael Di Salle

Member, Landlord and Tenant Board

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

The Tenant has until June 23, 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 23, 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 December 25, 2023 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.