



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

Citation: Abdulla v Hall, 2023 ONLTB 41829

Date: 2023-06-12

File Number: LTB-L-039945-23

In the matter of: 133 PEARL ST E
Morrisburg ON K6V1R2

Between: Almunir Abdulla Landlords
Ruhina Karim

And

Aaron Hall Tenants
Shawn Hall

Almunir Abdulla and Ruhina Karim (the 'Landlords') applied for an order to terminate the tenancy and evict Aaron Hall and Shawn Hall (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on June 24, 2022, with respect to application LTB-L-003190-21.

This application was decided without a hearing being held.

Determinations:

1. The order provides that the Landlords 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 condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenants have not met the following condition(s) specified in the order:

- a) **The Tenants failed to pay the full \$400.00 towards arrears on or before April 21, 2023.**
 - b) **The Tenants failed to pay to the Landlords the lawful rent of \$1,400.00 in full, on or before May 1, 2023.**
3. 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 Landlords is entitled to request an order for the payment of arrears owing.
 4. The Tenants were required to pay \$6,336.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$3,536.00 and that amount is included in this order.
 5. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from July 1, 2022, to May 18, 2023.
 6. The Landlords are entitled to daily compensation from the day after this order is issued to the date the Tenants move out of the unit at a daily rate of \$46.03. This amount is calculated as follows: \$1,400.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-003190-21 is cancelled.
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 23, 2023.
3. If the unit is not vacated on or before June 23, 2023, then starting June 24, 2023, the Landlords 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 Landlords on or after June 24, 2023.
5. The Tenants shall pay to the Landlords \$7,488.36 (**Less any payments made by the Tenants after this application was filed on March 18, 2023**). This amount represents the rent owing up to June 12, 2023, and the cost of filing the previous application.
6. The Tenants shall also pay to the Landlords \$46.03 per day for compensation for the use of the unit starting June 13, 2023, to the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlords the full amount owing on or before June 23, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from June 24, 2023, at 6.00% annually on the balance outstanding.

June 12, 2023

Date Issued

Kimberly Parish
Member, Landlord and Tenant Board

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

The Tenants have until June 22, 2023, to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the tenants file the motion by June 22, 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 24, 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.

* Refer to the attached Summary of Calculations.

Summary of Calculation

Amount the Tenants must pay the Landlords:

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to June 30, 2022	\$3,536.00
New Arrears	July 1, 2022, to June 12, 2023	\$3,952.36
Plus daily compensation owing for each day of occupation starting June 13, 2023		\$46.03 (per day)
Total the Tenant must pay the Landlord:		\$7,488.36 +\$46.03 per day starting June 13, 2023