



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

Citation: Toronto Community Housing Corporation v Mccready, 2023 ONLTB 42072

Date: 2023-06-07

File Number: LTB-L-005513-23

In the matter of: 30, 2765 YONGE ST TORONTO
ON M4N2H8

Between:	Toronto Community Housing Corporation	Landlord
And		
	Elizabeth Mccready	Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Elizabeth Mccready (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 December 5, 2022, with respect to application TNL-37133-22-SA.

This application was heard by videoconference on April 11, 2023. The Landlord was represented at the hearing by Camile Abraham. 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 conditions specified in the order:
 - The Tenant has not paid rent for January 01, 2023, on time and in full
 - The Tenant has not paid rent for April 01, 2023, on time and in full
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.

Order Page: 1 of 2

File Number: LTB-L-005513-23

4. The Tenant was required to pay \$36,627.77 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$36,477.77 and that amount is included in this order. **This order replaces order TNL-37133-22-SA.**
5. The Landlord collected a rent deposit of \$1,003.00 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 January 1, 2021, to June 7, 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.

It is ordered that:

1. **Order TNL-37133-22-SA 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 18, 2023.**
3. If the unit is not vacated on or before June 18, 2023, then starting June 19, 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 19, 2023.
5. The Tenant shall pay to the Landlord \$35,000.00. This amount represents the rent owing up to June 7, 2023, less the rent deposit and interest the Landlord owes on the rent deposit up to the Board's monetary jurisdiction.
6. If the Tenant does not pay the Landlord the full amount owing on or before June 18, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from June 19, 2023, at 6.00% annually on the balance outstanding.

June 7, 2023
Date Issued

Bryan Delorenzi
Member, Landlord and Tenant Board

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

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 19, 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.

Order Page: 2 of 2