



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

Citation: Ithayarajah v Griffin, 2023 ONLTB 41043

Date: 2023-06-05

File Number: LTB-L-022947-23

In the matter of: 60 BRENNAN CRES
ODESSA (LOYALIST) ON K0H1G0

Between: Anushiya Ithayarajah and Nagarajah Ithayarajah Landlords

And

Gordon R.s Griffin Tenant

Anushiya Ithayarajah and Nagarajah Ithayarajah (the 'Landlord') applied for an order to terminate the tenancy and evict Gordon R.s Griffin (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 March 14, 2023 with respect to application LTB-L-041284-22.

This application was heard by videoconference on May 24, 2023. The Landlords were represented at the hearing by Thirusenthuran Sivapatham. 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 did not pay the lawful rent for March 01, 2023, in full, and on time
 - The Tenant did not pay \$750.00 on, or before, March 15, 2023
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.

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4. The Tenant was required to pay \$25,500.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$25,500.00 and that amount is included in this order. **This order replaces order LTB-L-041284-22.**
5. Since the date of the previous order, the Tenant has failed to pay the full rent that became owing. The arrears owing for the period from March 01, 2023, to June 05, 2023, are \$6,394.50
6. The Landlords are 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 \$78.90. This amount is calculated as follows: \$2,400.00 x 12, divided by 365 days.

It is ordered that:

- 1. Order LTB-L-041284-22 is cancelled.**
2. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before June 16, 2023.
3. If the unit is not vacated on or before June 16, 2023, then starting June 17, 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 17, 2023.
5. The Tenant shall pay to the Landlord \$31,894.50*. This amount represents the rent owing up to June 5, 2023.
6. The Tenant shall also pay to the Landlord \$78.90 per day for compensation for the use of the unit starting June 6, 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 16, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from June 17, 2023, at 6.00% annually on the balance outstanding.

June 5, 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 17, 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.

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Summary of Calculation

Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to February 28, 2023	\$25,500.00
New Arrears	March 1, 2023 to June 5, 2023	\$6,394.50
New NSF cheque charges and related administration charges		\$0.00
Plus daily compensation owing for each day of occupation starting June 6, 2023		\$78.90 (per day)
Total the Tenant must pay the Landlord:		\$31,894.50 +\$78.90 per day starting June 6, 2023

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