



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

Citation: Margret Edwards v Diane Howard, 2023 ONLTB 41785

Date: 2023-06-02

File Number: LTB-L-024960-23

In the matter of: 18 TRAILRIDGE CRES
SCARBOROUGH ON M1E4C5

Between: Margret Edwards Landlord

And

Diane Howard Tenant

Margret Edwards (the 'Landlord') applied for an order to terminate the tenancy and evict Diane Howard (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 February 14, 2023, with respect to application LTB-L-034734-22.

This application was heard by videoconference on May 24, 2023. The Landlord was represented at the hearing by Ferduse Bari. The Tenants 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 \$1,000.00 on or before March 01, 2023. • The Tenant did not pay \$1,000.00 on or before March 10, 2023. • The Tenant did not pay \$1,000.00 on or before March 17, 2023. • The Tenant did not pay \$1,000.00 on or before March 24, 2023.
 - The Tenant did not pay \$1,000.00 on or before March 31, 2023.
 - The Tenant did not pay \$1,000.00 on or before April 07, 2023. • The Tenant did not pay \$1,000.00 on or before April 14, 2023.
 - The Tenant did not pay \$1,000.00 on or before April 28, 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.
 4. The Tenant was required to pay \$14,326.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$8201.01 and that amount is included in this order. **This order replaces order LTB-L-034734-22.**
 5. Since the date of the previous order, the Tenant has failed to pay the full rent that became owing.
 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 \$77.26. This amount is calculated as follows: \$2,350.00 x 12, divided by 365 days.

It is ordered that:

- 1. Order LTB-L-034734-22 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 13, 2023.
3. If the unit is not vacated on or before June 13, 2023, then starting June 14, 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 14, 2023.
5. The Tenant shall pay to the Landlord \$8,355.52*. This amount represents the rent owing up to June 2, 2023.
6. The Tenant shall pay to the Landlord \$77.26 per day for compensation for the use of the unit starting June 3, 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 13, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from June 14, 2023, at 6.00% annually on the balance outstanding.

June 2, 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 14, 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 Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to February 1, 2023	\$8201.01
New Arrears	to June 2, 2023	\$154.52
Plus daily compensation owing for each day of occupation starting June 3, 2023		\$77.26 (per day)
Total the Tenant must pay the Landlord:		\$8,355.52 +\$77.26 per day starting June 3, 2023

2023 ONLTB 41785 (CanLI)