



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

Citation: 2769281 ONTARIO INC. v Tammy Driley, 2023 ONLTB 38874

Date: 2023-06-02

File Number: LTB-L-035306-23

In the matter of: 1, 128 OAK ST E
NORTH BAY ON P1B1A1

Between: 2769281 ONTARIO INC. Landlord

And

Tammy Driley Tenant

2769281 ONTARIO INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Tammy Driley (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 February 1, 2023 with respect to application LTB-L-014819-22.

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 lawful rent in full on or before May 1, 2023.

3. The Tenant was required to pay \$186.00 for compensation for damage and the application filing fee in the previous order. The amount that is still owing from that order is \$186.00 and that amount is included in this order. This order replaces order LTB-L-014819-22.
4. The Tenant was required to pay \$186.00 for compensation for damage and the application filing fee in the previous order. The amount that is still owing from that order is \$186.00 and that amount is included in this order. This order replaces order LTB-L-014819-22.

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 \$27.62. This amount is calculated as follows: $\$840.21 \times 12$, divided by 365 days.

It is ordered that:

1. Order LTB-L-014819-22 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.

June 2, 2023
Date Issued

Vladislav Shustov

Member, Landlord and Tenant Board

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

The Tenant has until June 12, 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 12, 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 7, 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.