



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

Citation: Sidhu v Marshal, 2023 ONLTB 40948

Date: 2023-05-31

File Number: LTB-L-023345-23

In the matter of: 425, 2111 ROCHE CRT
MISSISSAUGA ON L5K1T4

Between: Balbir Kaur Sidhu Landlord

And

Rene Marshal Tenant

Balbir Kaur Sidhu (the 'Landlord') applied for an order to terminate the tenancy and evict Rene Marshal (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 10, 2023 with respect to application LTB-L-018830-22.

This application was heard by videoconference on May 24, 2023. The Landlord and Tenant attended the hearing.

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 failed to pay the lawful rent for March 01, 2023, in full, and on time.

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 \$18,566.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$18,566.00 and that amount is included in this order. **This order replaces order LTB-L-018830-22.**

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5. Since the date of the previous order, the Tenant has failed to pay the full rent that became owing for the period from March 1, 2023, to May 31, 2023.
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 \$44.02. This amount is calculated as follows: \$1,339.00 x 12, divided by 365 days.

Relief from Eviction

7. The Tenant does dispute the amount of rent arrears. The issue before the Board is whether it is appropriate to grant relief from eviction pursuant to s.83 of the *Act*
8. According to s. 83 of the *Act* when the Board hears an application for an order evicting a tenant, the Board must consider whether there are any circumstances that support granting relief from eviction.
9. The Tenant is a single mother. She submits she needs until August 31, 2023, to find a new place to live. I find this to be reasonable in the circumstances.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Act* and find that it would not be unfair to postpone the eviction until June 30, 2023, pursuant to subsection 83(1)(b) of the *Act*.

It is ordered that:

1. Order LTB-L-018830-22 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 August 31, 2023.**
3. If the unit is not vacated on or before August 31, 2023, then starting September 01, 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 September 01, 2023.

5. The Tenant shall pay to the Landlord \$19,483.00 This amount represents the rent owing up to May 31, 2023.
6. The Tenant shall pay to the Landlord \$44.02 per day for compensation for the use of the unit starting June 01, 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 August 31, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from September 01, 2023, at 6.00% annually on the balance outstanding.

May 31, 2023
Date Issued

Bryan Delorenzi
Member, Landlord and Tenant Board

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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 12, 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.

