



**Tribunals Ontario**  
Landlord and Tenant Board

**Tribunaux décisionnels Ontario**  
Commission de la location immobilière

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

**Citation:** 2585277 Ontario Limited v Melisa Moemi Lopez, 2023 ONLTB 39197

**Date:** 2023-05-29

**File Number:** LTB-L-038309-23

**In the matter of:** 204, 1533 WILSON AVE  
NORTH YORK ON M3M1K2

**Between:** 2585277 Ontario Limited Landlord

**And**

Melisa Moemi Lopez Tenants  
Vernon Jessie Diwa

2585277 Ontario Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Melisa Moemi Lopez and Vernon Jessie Diwa (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the mediated settlement signed by the parties on May 10, 2023, with respect to application LTB-L060685-22.

This application was decided without a hearing being held.

**Determinations:**

1. The mediated settlement 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 Tenants if the Tenants do not meet certain condition(s) in the mediated settlement. This application was filed within 30 days of the breach.

2. I find that the Tenants have not met the following condition specified in the mediated settlement: **The Tenants failed to pay to the Landlord the lawful rent of \$1,552.87 in full and on time, on or before May 1, 2023**
3. The previous application includes a request for an order for the payment of arrears of rent and the mediated settlement requires the Tenants 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 Tenants were required to pay \$4,591.00 for rent arrears and the application filing fee in the previous mediated settlement. The amount that is still owing from that mediated settlement is \$2,915.00 and that amount is included in this order.
5. Since the date of the previous mediated settlement, the Tenants have failed to pay the full rent that became owing for the period from May 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 Tenants move out of the unit at a daily rate of \$51.05. This amount is calculated as follows: \$1,552.87 x 12, divided by 365 days.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 9, 2023.
2. If the unit is not vacated on or before June 9, 2023, then starting June 10, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 10, 2023.
4. The Tenants shall pay to the Landlord \$4,395.45 (**Less any payments made by the Tenants after this application was filed on May 12, 2023**). This amount represents the rent owing up to May 29, 2023, and the cost of filing the previous application.
5. The Tenants shall also pay to the Landlord \$51.05 per day for compensation for the use of the unit starting May 30, 2023, to the date the Tenants move out of the unit.
6. If the Tenants do not pay the Landlord the full amount owing on or before June 9, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from June 10, 2023, at 6.00% annually on the balance outstanding.

**May 29, 2023**

**Date Issued**

Emile Ramlochan

Member, Landlord and Tenant Board

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

The Tenants have until June 8, 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 8, 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 10, 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 Tenants must pay the Landlord:**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Amount owing from previous mediated settlement	Up to April 30, 2023	\$2,915.00
New Arrears	May 1, 2023, to May 29, 2023	\$1,480.45
Plus daily compensation owing for each day of occupation starting May 30, 2023		\$51.05 (per day)
<b>Total the Tenants must pay the Landlord:</b>		<b>\$4,395.45 + \$51.05 per day starting May 30, 2023</b>

2023 ONLTB 39197 (CanLII)