



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

Citation: Phiroz v Stach, 2023 ONLTB 37072

Date: 2023-05-17

File Number: LTB-L-005665-23

In the matter of: Basement Unit - 1210 Niagara Street Windsor,
ON N9A 3V6

Between: Zal Phiroz Landlord

And

Sierra Stach Tenants
Steven Suarez

Zal Phiroz (the 'Landlord') applied for an order to terminate the tenancy and evict Sierra Stach and Steven Suarez (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 mediated settlement signed by the parties on October 11, 2022 with respect to application LTB-L-015554-22.

This matter was directed to a hearing as the Landlord's application lacked specific details with respect to the alleged breach.

This application was heard by videoconference on April 17, 2023.

Only the Landlord attended the hearing. As of 9:35 am, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

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 Tenant if the Tenant does 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 conditions specified in the mediated settlement: The Tenants failed to make a \$200.00 payment towards the arrears by January 15th, February 15th, March 15th and April 15th, 2023.
3. The previous application includes a request for an order for the payment of arrears of rent and the mediated settlement required the Tenants to make payments by specific due dates. Accordingly, the Landlord is entitled to request an order for the payment of arrears owing.
4. The Tenants were required to pay \$2,427.44 for rent arrears and the application filing fee in the previous mediated settlement. The amount that is still owing from that mediated settlement is \$1,927.44 and that amount is included in this order.
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 \$29.49. This amount is calculated as follows: $\$896.87 \times 12$, divided by 365 days.

It is ordered that:

6. The tenancy between the Landlord and the Tenants is terminated as of January 31, 2023, the date the Tenants moved out of the rental unit.
7. The Tenants shall pay to the Landlord \$1,927.44*. This amount represents the rent owing up to May 17, 2023 and the cost of filing the previous application.
8. If the Tenants do not pay the Landlord the full amount owing on or before May 28, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from May 29, 2023 at 6.00% annually on the balance outstanding.

May 17, 2023

Date Issued

Jagger Benham

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.

* 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 mediated settlement	Up to October 31, 2022	\$1,927.44
New Arrears	to May 17, 2023	\$
New NSF cheque charges and related administration charges		\$0.00
Plus daily compensation owing for each day of occupation starting May 18, 2023		\$29.49 (per day)
Total the Tenant must pay the Landlord:		\$1,927.44 + \$29.49 per day starting May 18, 2023

2023 ONLTB 37072 (CanLII)