



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

Citation: Northern Diversified Ltd. v Keene, 2023 ONLTB 36758

Date: 2023-05-17

File Number: LTB-L-019876-23

In the matter of: 26 NORTH ST
BARRIE ON L4M2R9

Between: Northern Diversified Ltd. Landlord

And

Christina Keene Tenant

Northern Diversified Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Christina Keene (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 March 1, 2023, with respect to application LTB-L-034687-22.

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(s) specified in the order:
 - a) **The Tenant failed to pay the full \$300.00 towards arrears on or before March 1, 2023**
 - b) **The Tenant failed to pay to the Landlord the lawful rent of \$600.00 in full and on time, on or before March 1, 2023**

3. The previous application includes a request for an order for compensation for damage and the order requires the Tenant to pay an amount for damage. Accordingly, the Landlord is entitled to request an order for compensation for damage.
4. The Tenant was required to pay \$5,186.00 for compensation for damage and the application filing fee in the previous order. The amount that is still owing from that order is \$4,626.00 and that amount is included in this order.
5. The Landlord collected a rent deposit of \$600.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from October 19, 2021, to May 17, 2023.
7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.
8. 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 \$19.73. This amount is calculated as follows: \$600.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-034687-22 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 May 28, 2023.
3. If the unit is not vacated on or before May 28, 2023, then starting May 29, 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 May 29, 2023.
5. The Tenant shall pay to the Landlord \$4013.17 (**Less any payments made by the Tenant after this application was filed on March 6, 2023**). This amount represents the unpaid compensation for damage, less the rent deposit and interest the Landlord owes on the rent deposit.
6. The Tenant shall also pay to the Landlord \$19.73 per day for compensation for the use of the unit starting May 18, 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 May 28, 2023, the Tenant 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

Lynn Mitchell
Member, Landlord and Tenant Board

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

The Tenant has until May 27, 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 May 27, 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 November 29, 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 of compensation for damages owing from previous order		\$4,626.00
Less the rent deposit:		-\$600.00
Less the interest owing on the rent deposit	October 19, 2021, to May 17, 2023	-\$12.83
Plus daily compensation owing for each day of occupation starting May 18, 2023		\$19.73 (per day)
Total the Tenant must pay the Landlord:		\$4013.17 + \$19.73 per day starting May 18, 2023

2023 ONLTB 36758 (CanLII)