



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

Citation: GH Capital Corporation v Moore, 2023 ONLTB 36112

Date: 2023-05-16

File Number: LTB-L-029574-23

2023 ONLTB 36112 (CanLII)

In the matter of: 801, 100 GRAYDON HALL DR TORONTO
ON M3A3A7

Between: GH Capital Corporation Landlord
And
Natasha Moore Tenant

GH Capital Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Natasha Moore (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 July 19, 2022, with respect to application LTB-L-029803-22.

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 of \$1,564.66 in full and on time, on or before April 8, 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. Since the date of the previous settlement, the Tenant has failed to pay the full rent that became owing for the period from April 1, 2023, to April 30, 2023.
5. The Landlord collected a rent deposit of \$1,508.40 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 February 1, 2021, to May 16, 2023.
7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant are 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 \$51.44. This amount is calculated as follows: $\$1,564.66 \times 12$, divided by 365 days.

It is ordered that:

1. Order LTB-L-029803-22 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 27, 2023.
3. If the unit is not vacated on or before May 27, 2023, then starting May 28, 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 28, 2023.
5. As of the date of this order, the balance owing to the Landlord is -\$24.58. This amount represents the rent owing up to May 16, 2023, less the rent deposit and interest the Landlord owes on the rent deposit. The Landlord may deduct any amounts owing to the Landlord from the compensation for each day the Tenant remains in the rental unit, starting May 17, 2023.
6. The Tenant shall also pay to the Landlord \$46.04 per day for compensation for the use of the unit starting May 17, 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 27, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from May 28, 2023, at 6.00% annually on the balance outstanding.

May 16, 2023

Date Issued

Kimberly Parish

Member, Landlord and Tenant Board

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

The Tenant has until May 26, 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 26, 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 27, 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.

Summary of Calculations

Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
New Arrears	April 1, 2023, to May 16, 2023	\$1,570.10
Less the rent deposit:		-\$1,508.40
Less the interest owing on the rent deposit	February 1, 2021, to May 16, 2023	-\$86.28
Plus daily compensation owing for each day of occupation starting May 9, 2023		\$46.04 (per day)
Total the Tenants must pay the Landlord:		-\$24.58 + \$46.04 per day starting May 17, 2023