



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

**Citation:** Guo v Murray, 2023 ONLTB 36745

**Date:** 2023-05-10

**File Number:** LTB-L-082055-22

**In the matter of:** ROOM B, UNIT 217, 1800 SIMCOE ST N  
OSHAWA ON L1G0C2

**Between:** Xiao Yu Guo Landlord

**And**

Rashon Murray Tenant

Xiao Yu Guo (the 'Landlord') applied for an order to terminate the tenancy and evict Rashon Murray (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 September 8, 2022, with respect to application LTB-L-011538-22.

This application was by videoconference on May 3, 2023.

The Landlord's Legal Representative, Yun Tao Li, and the Landlord attended the hearing. As of 1:27 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

### 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 did not pay \$500.00 towards the arrears due on December 20, 2022. The Tenant paid \$450.00.
  - The Tenant did not pay \$500.00 towards the arrears due on February 20, 2023.
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.

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4. The Tenant was required to pay \$5,441.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$2,431.00 and that amount is included in this order. This order replaces order LTB-L-011538-22.
5. The Landlord is not holding a last month's rent deposit.
6. The lawful monthly rent is \$750.00.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to postpone the eviction until June 10, 2023 pursuant to subsection 83(1)(b) of the Act.

**It is ordered that:**

1. Order LTB-L-011538-22 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
3. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
  - o \$3,181.00 if the payment is made on or before June 10, 2023. This amount includes the arrears outstanding to May 31, 2023 plus the rent for the month of June 2023.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before June 10, 2023**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$2,431.00. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application.
6. The Tenant shall also pay the Landlord compensation of \$24.66 per day for the use of the rental unit starting June 1, 2023 until 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 June 10, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from June 11, 2023 at 6.00% annually on the balance outstanding.
8. If the unit is not vacated on or before June 10, 2023, then starting June 11, 2023, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

9. 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 11, 2023.

**May 10, 2023**

**Date Issued**

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Khalid Akram

Member, Landlord and Tenant Board

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

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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 11, 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.

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