

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

Citation: Ottawa Community Housing v Tshinguta, 2023 ONLTB 33655

Date: 2023-05-08

File Number: LTB-L-081121-22

In the matter of: 410, 2100 RUSSELL RD
OTTAWA ON K1G3W7

Between: Ottawa Community Housing Landlord

And

Irene Tshinguta Tenant

Ottawa Community Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Irene Tshinguta (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 April 12, 2022 with respect to application EAL-98062-21.

A hearing was held to consider this application.

This application was heard by videoconference on April 20, 2023

Only the Landlord's Agent Amanda Scobie attended the hearing.

As of 9:15 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

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:
 - a. The Tenant did not pay the December 2022 lawful rent on time, specifically it was paid on December 6, 2022 vice December 1, 2022.
 - b. The Tenant did not pay the full amount of the arrears that was due on December 1, 2022, specifically the Tenant paid \$136.00 vice the agreed upon amount of \$150.00.

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.
4. The Tenant was required to pay \$3,512.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$2,777.00 and that amount is included in this order. This order replaces order EAL-98062-21.
5. Since the date of the previous order, the Tenant has failed to pay the full rent that became owing for the period from January 1, 2022 to the date of this hearing.
6. 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 \$30.05. This amount is calculated as follows: \$914.00 x 12, divided by 365 days.
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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. Order EAL-98062-21 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 19, 2023.
3. If the unit is not vacated on or before May 19, 2023, then starting May 20, 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 20, 2023.
5. The Tenant shall pay to the Landlord \$6,301.00 *. This amount includes the arrears owing from the previous order and additional rent owing up to the hearing date.

6. The Tenant shall also pay to the Landlord \$30.05 per day for compensation for the use of the unit starting May 1, 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 19, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 20, 2023, at 6% annually on the balance outstanding.

May 8, 2023
Date Issued

Robert Patchett
Vice Chair, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on November 20, 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 CALCULATIONS

File Number: LTB-L-081121-22

Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount of arrears owing from previous order	Up to December 31, 2021	\$2,777.00
New Arrears	January 1, 2022 to April 30, 2023	\$3,524.00
New NSF cheque charges and related administration charges		\$0.0
Less the rent deposit:		-\$0.0
Plus daily compensation owing for each day of occupation starting May 1, 2023		\$30.05 (per day)

Total the Tenant must pay the Landlord:	\$6,301.00 + 30.05 per day starting May 1, 2023
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