



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

Citation: Canadian Mental Health Association Durham v Macintyre, 2023 ONLTB 34890

Date: 2023-05-03

File Number: LTB-L-026937-23

In the matter of: 305, 700 DUNLOP ST W
WHITBY ON L1N1V5

Between: Canadian Mental Health Association Durham Landlord

And

Michael Macintyre Tenant

Canadian Mental Health Association Durham (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Macintyre (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 February 24, 2023, with respect to application LTB-L-003039-22.

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 ensure that the rental unit was kept in an ordinary state of cleanliness including the balcony.**
 - b) **The Tenant failed to not have any open food or food containers inside the rental unit.**
 - c) **The Tenant failed to ensure that dishes were washed on a regular basis and that dishes were not left unwashed with food on them.**
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 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 \$15.75. This amount is calculated as follows: \$479.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-003039-22 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 14, 2023.
3. If the unit is not vacated on or before May 14, 2023, then starting May 15, 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 15, 2023.
5. The Tenant shall pay to the Landlord \$186.00. This amount represents the costs related to the application fee for the previous application.
6. The Tenant shall also pay to the Landlord \$15.75 per day for compensation for the use of the unit starting May 4, 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 14, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from May 15, 2023, at 6.00% annually on the balance outstanding.

May 3, 2023

Date Issued

Vladislav Shustov

Member, Landlord and Tenant Board

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

The Tenant has until May 13, 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 13, 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 15, 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
Plus daily compensation owing for each day of occupation starting May 4, 2023		\$15.75 (per day)
Total the Tenant must pay the Landlord:		\$15.75 per day starting May 4, 2023

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