



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

Citation: Ajax Municipal Housing Corporation v Hopeton, 2023 ONLTB 33757

Date: 2023-05-03

File Number: LTB-L-073746-22

In the matter of: 5 Purcell Lane
Ajax Ontario L1S4G2

Between: Ajax Municipal Housing Corporation Landlord

And

Malcolm Hopeton Tenant

Ajax Municipal Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Malcolm Hopeton (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 6, 2022 with respect to application TEL-20888-21.

This application was heard on April 20, 2023. Only the Landlord's representative Gail Collymore attended the hearing. As of 10:00am the Tenant did not join the hearing.

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. The original application was based on a notice served on the Tenant for persistently late payment of rent. Order TEL-20888-21 ordered the Tenant pay the lawful rent in full and on time. Since that order was issued, the Tenant has failed to pay rent in full and on time every month.
3. I find the Tenant has failed to comply with the conditions set out by the order. The Landlord is seeking termination of the tenancy. The Tenant did not attend to make submissions on relief from eviction.
4. The order also required the Tenant to pay arrears of rent. As the application was based on persistently late payment of rent the Board lacks jurisdiction to make an order for the payment of arrears of rent. It was noted at the hearing that the Tenant also failed to make the last four payments that were ordered toward the arrears. The order will be cancelled and replaced with this order.

It is ordered that:

1. Order TEL-20888-21 is cancelled and replaced with the following:
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.

May 3, 2023

Date Issued

Greg Joy

Member, 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 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.