



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

Citation: Can-Am Urban Native Non-Profit Homes v King, 2023 ONLTB 34137

Date: 2023-05-02

File Number: LTB-L-020311-23

In the matter of: 2634 LAUZON RD
WINDSOR ON N8T2Z6

Between: Can -Am Urban Native Non-Profit Homes Landlord

And

Calvin King and Joseph King Tenants

Can-Am Urban Native Non-Profit Homes (the 'Landlord') applied for an order to terminate the tenancy and evict Calvin King and Joseph King (the 'Tenants') and for an order to have the Tenants pay compensation for damage they owe because the Tenants did not meet a condition specified in the order issued by the LTB on November 4, 2021 with respect to application SWL52268-21.

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 Tenants to terminate the tenancy and evict the Tenants if the Tenants do not meet certain condition in the order. This application was filed within 30 days of the breach.

2. I find that the Tenants have not met the following condition specified in the order:

The Tenants failed to pay to the Landlord the lawful rent on or before March 1, 2023.

3. The Landlord is entitled to daily compensation from the day after this order is issued to the date the Tenants move out of the unit at a daily rate of \$6.02. This amount is calculated as follows: \$183.00 x 12, divided by 365 days.

It is ordered that:

1. Order SWL-52268-21 is cancelled.

2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before May 13, 2023.

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3. If the unit is not vacated on or before May 13, 2023, then starting May 14, 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 14, 2023.
5. The Tenants shall pay to the Landlord \$6.02 per day for compensation for the use of the unit starting May 3, 2023 to the date the Tenants moves out of the unit.

May 2, 2023
Date Issued

Kelly Delaney
Member, Landlord and Tenants Board

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

The Tenants have until May 12, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants file the motion by May 12, 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 14, 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.

