



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

**Citation:** Nishnawbe Homes Incorporated v Anderson, 2023 ONLTB 34328

**Date:** 2023-05-01

**File Number:** LTB-L-024051-23

**In the matter of:** 107, 244 CHURCH ST  
TORONTO ON M5B1Z3

**Between:** Nishnawbe Homes Incorporated Landlord

**And**

Michael Anderson Tenant

Nishnawbe Homes Incorporated (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Anderson (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-073359-22.

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 specified in the order: **The Tenant failed to comply by drinking alcohol on the premises of the residential complex including in his rental unit.**
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 \$17.75. This amount is calculated as follows: \$540.00 x 12, divided by 365 days.

### **It is ordered that:**

1. Order LTB-L-073359-22 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 12, 2023.
3. If the unit is not vacated on or before May 12, 2023, then starting May 13, 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 13, 2023.
5. The Tenant shall also pay to the Landlord \$17.75 per day for compensation for the use of the unit starting May 2, 2023, to the date the Tenant moves out of the unit.

**May 1, 2023**  
**Date Issued**

\_\_\_\_\_  
 Kelly Delaney

Member, Landlord and Tenant Board

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

The Tenant has until May 11, 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 11, 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 13, 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:**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Plus daily compensation owing for each day of occupation starting May 2, 2023		\$17.75 (per day)
<b>Total the Tenant must pay the Landlord:</b>		<b>\$17.75 per day starting May 2, 2023</b>

2023 ONLTB 34328 (CanLII)