



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

Citation: Lipiec v Orr, 2023 ONLTB 34249

Date: 2023-05-01

File Number: LTB-L-015859-23

In the matter of: 203, 2685 KING ST E
HAMILTON ON L8K1Y4

Between: Alina Lipiec and Marian Lipiec Landlord

And

Kevin Orr Tenants
Laura Orr

Alina Lipiec and Marian Lipiec (the 'Landlord') applied for an order to terminate the tenancy and evict Kevin Orr and Laura Orr (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 January 30, 2023 with respect to application LTB-L-013162-22.

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 Tenants to terminate the tenancy and evict the Tenants if the Tenants do not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenants have not met the following conditions specified in the order:
 - **January 20, 2023 at 6:00AM, the Tenants were forcibly knocking on another unit's door, disrupting the surrounding units.**
 - **January 30, 2023 at 10:00PM, the Tenants were yelling in their unit for approximately 30 minutes and continued yelling in the hallway.**
 - **February 3, 2023 the Tenants were screaming and yelling at each other, and disrupting other units. The superintendent reported this incident to the police.**
 - **February 11, 2023 at 3:00AM, a guest of the Tenants was observed through security camera stealing items from cars parked at the residential complex.**
3. The Landlord collected a rent deposit of \$914.80 from the Tenants and this deposit is still being held by the Landlord.

4. Interest on the rent deposit is owing to the Tenants for the period from October 1, 2021 to May 1, 2023.
5. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants are required to pay.
6. 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 \$29.84. This amount is calculated as follows: \$907.70 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-013162-22 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 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. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the compensation for damage the Landlord is entitled to by \$932.92*.
6. However, the Landlord is authorized to deduct the following from the amount the Landlord owes the Tenants: \$29.84 per day for compensation for the use of the unit starting May 2, 2023 to the date the Tenants move out of the unit.
7. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.

May 1, 2023
Date Issued

 Sonia Anwar-Ali
 Member, Landlord and Tenant Board

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

The Tenants have 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 Tenants file 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 Tenants must pay the Landlord:**

Reason for amount owing	Period	Amount
Less the rent deposit:		-\$914.80
Less the interest owing on the rent deposit	October 1, 2021 to May 1, 2023	-\$18.12
Plus daily compensation owing for each day of occupation starting May 2, 2023		\$29.84 (per day)
Total the Tenants must pay the Landlord:		- \$932.92 +\$29.84 per day starting May 2, 2023

2023 ONLTB 34249 (CanLI)