



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

**Citation:** AG Secure v Portch, 2023 ONLTB 33633

**Date:** 2023-04-28

**File Number:** LTB-L-073589-22

**In the matter of:** A, 71 QUEEN ST N  
TOTTENHAM ON L0G1W0

**Between:** AG Secure Landlord

**And**

Craig Portch Tenant

AG Secure (the 'Landlord') applied for an order to terminate the tenancy and evict Craig Portch (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 October 13, 2022 with respect to application LTB-L-014468-22.

This application was heard on April 20, 2023. Only the Landlord's representative Nicole Fazzari attended the hearing. The Tenant was not in attendance before the conclusion of the hearing block.

**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 Tenant was to pay to the Landlord the lawful monthly rent plus \$8,950.31 on or before October 4, 2022. The Tenant paid the rent on October 7, 2022 but failed to pay the \$8,950.31. The Tenant has not no payments to the Landlord since that time.
3. The Tenant now owes the Landlord \$14,900.93 in arrears and costs to the end of April 2023. The current monthly rent is \$999.00.
4. I find the Tenant is in breach of the conditions set out in order LTB-L-014467-22 and that relief from eviction would be unfair to the Landlord.

**It is ordered that:**

1. Order LTB-L-014467-22 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 9, 2023.
3. If the unit is not vacated on or before May 9, 2023, then starting May 10, 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 10, 2023.
5. The Tenant shall pay to the Landlord \$14,900.93. This amount represents the rent owing up to April 30, 2023 and the cost of filing the previous application.
6. The Tenant shall also pay to the Landlord \$32.84 per day for compensation for the use of the unit starting May 1, 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 9, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from May 10, 2023 at 6.00% annually on the balance outstanding.

**April 28, 2023**

**Date Issued**

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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 10, 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.