



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

Citation: Ndahimana v Jackson, 2023 ONLTB 33641

Date: 2023-04-27

File Number: LTB-L-021581-23

In the matter of: Main & Upper Floor, 68 BURKWOOD CRES
Scarborough ON M1B1P1

Between: Wenceslas Ndahimana Landlord

And

Jessica Moore Tenants
Ryan Jackson

Wenceslas Ndahimana (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Moore and Ryan Jackson (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 February 21, 2023, with respect to application LTB-L-043031-22.

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 condition specified in the order: **The Tenants failed to bring the utilities into good standing, as required under the terms of the tenancy agreement on or before March 10, 2023**
3. The previous application includes a request for an order for compensation for damage and the order requires the Tenants to pay an amount for damage. Accordingly, the Landlord is entitled to request an order for compensation for damage.
4. The Tenants were required to pay \$2,997.64 for compensation for damage and the application filing fee in the previous order. The amount that is still owing from that order is \$2,997.64 and that amount is included in this order.
5. 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 \$82.19. This amount is calculated as follows: \$2,500.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-043031-22 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 8, 2023.
3. If the unit is not vacated on or before May 8, 2023, then starting May 9, 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 9, 2023.
5. The Tenants shall pay to the Landlord \$2,997.64. This amount represents the unpaid compensation for damage the costs related to the application fee for the previous application.
6. The Tenants shall also pay to the Landlord \$82.19 per day for compensation for the use of the unit starting April 28, 2023, to the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before May 8, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from May 9, 2023, at 6.00% annually on the balance outstanding.

April 27, 2023**Date Issued**

 Vladislav Shustov

Member, Landlord and Tenant Board

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

The Tenants have until May 7, 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 7, 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 9, 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
Amount of compensation for damages owing from previous order		\$2,997.64
Plus daily compensation owing for each day of occupation starting April 28, 2023		\$82.19 (per day)
Total the Tenants must pay the Landlord:		\$2,997.64 + \$82.19 per day starting April 28, 2023

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