



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

Citation: Khurana v Naji, 2023 ONLTB 33241

Date: 2023-04-25

File Number: LTB-L-016670-23

In the matter of: 1337 MONTCLAIR DR
OAKVILLE ON L6H1Z3

Between: Nimmi Khurana Landlord

And

Maya Naji Tenant

Nimmi Khurana (the 'Landlord') applied for an order to terminate the tenancy and evict Maya Naji (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 2, 2023, with respect to application LTB-005738-22.

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(s) specified in the order:
 - a) **The Tenant failed to ensure that there are no more than 3 dogs in the rental unit at anytime pursuant to bylaw 20218-006, s. 4(3) – Corporation of the Town of Oakville**
 - b) **The Tenant failed to perform regular cleaning or hire a cleaning service to perform necessary and ordinary cleaning of the 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 collected a rent deposit of \$1,800.00 from the Tenant and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenant for the period from July 28, 2015, to April 25, 2023.
6. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.
7. 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 \$65.88. This amount is calculated as follows: \$2,003.88 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-005738-22 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 6, 2023.
3. If the unit is not vacated on or before May 6, 2023, then starting May 7, 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 7, 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 \$1,995.03.
6. However, the Landlord is authorized to deduct the following from the amount the Landlord owes the Tenant: \$65.88 per day for compensation for the use of the unit starting April 26, 2023, to the date the Tenant moves out of the unit.
7. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

April 25, 2023

Date Issued

Vladislav Shustov

Member, Landlord and Tenant Board

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

The Tenant has until May 5, 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 5, 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 7, 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:

Reason for amount owing	Period	Amount
Amount of compensation for damages owing from previous order		\$0.00
Less the rent deposit:		-\$1,800.00
Less the interest owing on the rent deposit	July 28, 2015, to April 25, 2023	-\$195.03
Plus daily compensation owing for each day of occupation starting April 26, 2023		\$65.88 (per day)
Total the Tenant must pay the Landlord:		- \$1,995.03 +\$65.88 per day starting April 26, 2023

2023 ONLTB 33241 (CanLI)