



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

Citation: CAPREIT Limited Partnership v Ata, 2023 ONLTB 33200

Date: 2023-04-25

File Number: LTB-L-016197-23

In the matter of: 1201, 1297 MARLBOROUGH CRT
OAKVILLE ON L6H2S1

Between: CAPREIT Limited Partnership Landlord

And

Bader Al Abdullah Tenants
Ghadah Al Abdullah
Karam Bani Ata

CAPREIT Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Bader Al Abdullah, Ghadah Al Abdullah and Karam Bani Ata (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the mediated settlement signed by the parties on June 30, 2022, with respect to application LTB-L-003347-21.

This application was decided without a hearing being held.

Determinations:

1. The mediated settlement 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 does not meet certain condition(s) in the mediated settlement. This application was filed within 30 days of the breach.
2. I find that the Tenants have not met the following condition(s) specified in the mediated settlement:
 - a) **The Tenants failed to pay the full \$1,000.00 towards arrears on or before January 30, 2023**
 - b) **The Tenants failed to pay to the Landlord the lawful rent of \$2,246.64 in full and on time, on or before February 1, 2023**

3. The previous application includes a request for an order for the payment of arrears of rent and the mediated settlement requires the Tenants to make payments by specific due dates. Accordingly, in addition to eviction, the Landlord is entitled to request an order for the payment of arrears owing.
4. The Tenants were required to pay \$7,706.51 for rent arrears and the application filing fee in the previous mediated settlement. The amount that is still owing from that mediated settlement is \$3,456.51 and that amount is included in this order.
5. Since the date of the previous mediated settlement, the Tenants have failed to pay the full rent that became owing for the period from July 1, 2022, to February 28, 2023.
6. 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 \$73.86. This amount is calculated as follows: \$2,246.64 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-003347-21 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 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. The Tenants shall pay to the Landlord \$9,889.57 (**Less any payments made by the Tenants after this application was filed on February 21, 2023**). This amount represents the rent owing up to April 25, 2023, and the cost of filing the previous application.
6. The Tenants shall also pay to the Landlord \$73.86 per day for compensation for the use of the unit starting April 26, 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 6, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from May 7, 2023, at 6.00% annually on the balance outstanding.

April 25, 2023

Date Issued

Vladislav Shustov

Member, Landlord and Tenant Board

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

The Tenants have 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 tenants file 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 Tenants must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous mediated settlement	Up to June 30, 2022	\$3,456.51
New Arrears	July 1, 2022, to April 25, 2023	\$6,433.06
Plus daily compensation owing for each day of occupation starting April 26, 2023		\$73.86 (per day)
Total the Tenants must pay the Landlord:		\$9,889.57 + \$73.86 per day starting April 26, 2023

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