



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

Citation: Al-ajeal v Carey, 2023 ONLTB 32641

Date: 2023-04-21

File Number: LTB-L-013620-23

In the matter of: 1, 337 CADILLAC AVE S OSHAWA
ON L1H5Z9

Between: Mahmud Al -Ajeal Landlord

And

Steven Carey Tenant

On February 11, 2023, Mahmud Al-Ajeal (the 'Landlord') applied for an order to terminate the tenancy and evict Steven Carey (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 June 22, 2022, with respect to application LTB-L-001277-21.

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 specified in the order:

The Tenant failed to pay to the Landlord the lawful rent on or before February 1, 2023.

3. The Landlord collected a rent deposit of \$1,410.00 from the Tenant and this deposit is still being held by the Landlord.

4. Interest on the rent deposit is owing to the Tenant for the period from November 1, 2016, to April 21, 2023.

5. 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 \$48.33. This amount is calculated as follows: \$1,470.00 x 12, divided by 365 days.

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2023 ONL TB 32641 (CanLII)

It is ordered that:

1. Order LTB-L-001277-21 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 2, 2023.
3. If the unit is not vacated on or before May 2, 2023, then starting May 3, 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 3, 2023.
5. The Tenant shall pay \$48.33 per day for compensation for the use of the unit starting April 22, 2023, to the date the Tenant moves out of the unit.
6. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

April 21, 2023

Date Issued

Sonia Anwar-Ali

Member, Landlord and Tenant Board

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

The Tenant has until May 1, 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 1, 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 3, 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.