



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

Citation: Capreit Limited Partnership v Keegan, 2023 ONLTB 32310

Date: 2023-04-20

File Number: LTB-L-013562-23

In the matter of: 36, 85 HENDERSON AVE
THORNHILL ON L3T2L1

Between: Capreit Limited Partnership Landlord

And

Charmain Keegan Tenants
Peter Ptashynski

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Charmain Keegan and Peter Ptashynski (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 order issued by the LTB on August 10, 2022, with respect to application LTB-L-000915-22.

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 conditions specified in the order:

The Tenants failed to pay the lawful monthly rent on or before February 1, 2023.

Further, the Tenants failed to pay \$1000.00 towards arrears, on or before January 15, 2023.

3. The previous application includes a request for an order for the payment of arrears of rent and the order 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 \$14,504.70 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$5,994.60 and that amount is included in this order.
5. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from January 1, 2023, to February 28, 2023.
6. 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 \$74.17. This amount is calculated as follows: \$2,256.12 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-000915-22 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 1, 2023.
3. If the unit is not vacated on or before May 1, 2023, then starting May 2, 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 2, 2023.
5. The Tenants shall pay to the Landlord \$12,044.36* (**Less any payments made by the Tenants after this application was filed on February 10, 2023**). This amount represents the rent owing up to April 20, 2023, and the cost of filing the previous application.
6. The Tenants shall also pay to the Landlord \$74.17 per day for compensation for the use of the unit starting April 21, 2023, to the date the Tenant moves out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before May 1, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from May 2, 2023, at 6.00% annually on the balance outstanding.

April 20, 2023

Date Issued

Sonia Anwar-Ali

Member, Landlord and Tenant Board

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

The Tenants have until April 30, 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 April 30, 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 2, 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 owing from previous order | Up to July 31, 2022 | \$5,994.60 |
| New Arrears | January 1, 2023 to April 20, 2023 | \$6,049.76 |
| Plus daily compensation owing for each day of occupation starting April 21, 2023 | | \$74.17 (per day) |
| Total the Tenant must pay the Landlord: | | \$12,044.36 +\$74.17 per day starting April 21, 2023 |

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