



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

Citation: Na-Sh Investments (London) Limited v Pyne, 2023 ONLTB 31426

Date: 2023-04-18

File Number: LTB-L-074798-22

In the matter of: Unit 110, 652 Hale Street London
ON N5W1H4

Between: Na -Sh Investments (London) Limited Landlord

And

Jason Pyne and Michelle McRae Tenants

Na-Sh Investments (London) Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Jason Pyne and Michelle McRae (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 February 24, 2022 with respect to application SWL-56953-21.

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 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 Tenant did not pay the lawful rent for October 2022 in full on or before October 1, 2022.

3. The previous application includes a request for an order for the payment of damages 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.

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4. The Tenants were required to pay \$186.00 for the application filing fee in the previous order. That amount that is still owing from that order and is included in this order. This order replaces order SWL-56953-21.
5. Since the date of the previous order, the Tenants failed to pay the full rent that became owing for the period from August 1, 2022 to October 31, 2022.
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 \$25.22. This amount is calculated as follows: \$767.11 x 12, divided by 365 days.

It is ordered that:

1. Order SWL-56953-21 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 April 29, 2023.
3. If the unit is not vacated on or before April 29, 2023, then starting April 30, 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 April 30, 2023.
5. The Tenants shall pay to the Landlord \$6,590.84*. This amount represents arrears and the cost of filing the previous application.
6. The Tenants shall also pay to the Landlord \$25.22 per day for compensation for the use of the unit starting April 19, 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 April 29, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from April 30, 2023 at 6.00% annually on the balance outstanding.

April 18, 2023

Date Issued

Kimberly Parish

Member, Landlord and Tenant Board

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

The Tenants have until April 28, 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 28, 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 October 25, 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 Calculations

Amount the Tenants must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order (costs)		\$186.00
New Arrears	August 1, 2022 to April 18, 2023	\$6,590.84

Plus daily compensation owing for each day of occupation starting April 19, 2023	\$25.22 (per day)
Total the Tenants must pay the Landlord:	\$6,590.84 +\$25.22 per day starting April 19, 2023

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