



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

Citation: City Housing Hamilton Corporation v Dion, 2023 ONLTB 31260

Date: 2023-04-13

File Number: LTB-L-012485-23

In the matter of: 1918, 155 PARK ST S
HAMILTON ON L8P3E7

Between: City Housing Hamilton Corporation Landlord

And

Andre Dion Tenant

City Housing Hamilton Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Andre Dion (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on November 29, 2022, with respect to application SOL-24888-21-RV.

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 \$4,269.50 towards the arrears on or before January 31, 2023**
3. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenant 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 Tenant was required to pay \$8,539.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$8,539.00 and that amount is included in this order.
5. Since the date of the previous order, the Tenant has 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 Tenant moves out of the unit at a daily rate of \$25.84. This amount is calculated as follows: \$786.00 x 12, divided by 365 days.

It is ordered that:

1. Order SOL-24888-21-RV 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 April 24, 2023.
3. If the unit is not vacated on or before April 24, 2023, then starting April 25, 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 25, 2023.
5. The Tenant shall pay to the Landlord \$11,232.92 (**Less any payments made by the Tenant after this application was filed on February 8, 2023**). This amount represents the rent owing up to April 13, 2023, and the cost of filing the previous application.
6. The Tenant shall also pay to the Landlord \$25.84 per day for compensation for the use of the unit starting April 14, 2023, to the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before April 24, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from April 25, 2023, at 6.00% annually on the balance outstanding.

April 13, 2023

Date Issued

Kimberly Parish

Member, Landlord and Tenant Board

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

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The Tenant has until April 23, 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 23, 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.

2023 ONL TB 31260 (CanLII)

Summary of Calculations

Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to November 30, 2022	\$8,539.00
New Arrears	January 1, 2023, to April 13, 2023	\$2,693.92
Plus daily compensation owing for each day of occupation starting April 14, 2023		\$25.84 (per day)
Total the Tenant must pay the Landlord:		\$11,232.92 +\$25.84 per day starting April 14, 2023

2023 ONLTB 31260 (CanLII)