



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

**Citation:** Perth & Stratford Housing Corporation v Kerr, 2023 ONLTB 30213

**Date:** 2023-04-05

**File Number:** LTB-L-011052-23

**In the matter of:** 15, 62 CAWSTON ST  
STRATFORD ON N5A5N2

**Between:** Perth & Stratford Housing Corporation Landlord

**And**

Amie Kerr Tenant

On February 3, 2023, Perth & Stratford Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Amie Kerr (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 January 27, 2022 with respect to application SWL-55176-21.

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 conditions specified in the order:
  - On January 13, 2023, at 10:39, a noise complaint was placed with Stratford Police due to excessive noise emanating from the Tenant's unit. Police attended the unit and removed one of the Tenant's guests from the residential complex. An occurrence number of ST23-000847 was provided.
  - On January 14, 2023, at 3:48AM, it was reported that the Tenant and/or her guests were making excessive noise in the unit including the sounds of furniture being thrown around the unit and stomping of feet. At 3:55AM on the same day, it was also reported

that audible yelling could be heard in Tenant's unit by another tenant. Police were called to the residential complex to address the issue.

3. The Tenant was required to pay \$186.00 for compensation for the application filing fee in the previous order. The amount that is still owing from that order is \$141.00 and that amount is included in this order. This order replaces order SWL-55176-21.

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4. 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 \$4.01. This amount is calculated as follows: \$122.00 x 12, divided by 365 days.

**It is ordered that:**

1. Order SWL-55176-21 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 April 16, 2023.
3. If the unit is not vacated on or before April 16, 2023, then starting April 17, 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 17, 2023.
5. The Tenant shall pay to the Landlord \$141.00\* (**less any payments made by the Tenant after this application was filed on February 3, 2023**). This amount represents the unpaid costs related to the application fee for the previous application.
6. The Tenant shall also pay to the Landlord \$4.01 per day for compensation for the use of the unit starting April 6, 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 16, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from April 17, 2023 at 6.00% annually on the balance outstanding.

**April 5, 2023**

**Date Issued**

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Sonia Anwar-Ali

Member, Landlord and Tenant Board

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

The Tenant has until April 15, 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 15, 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 17, 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.

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**Summary of Calculation**

**Amount the Tenant must pay the Landlord:**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Amount of compensation for damages owing from previous order		\$141.00
Less the rent deposit:		-\$0.00
Plus daily compensation owing for each day of occupation starting April 06, 2023		\$4.01 (per day)
<b>Total the Tenant must pay the Landlord:</b>		<b>\$141.00 +\$4.01 per day starting April 06, 2023</b>