



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

**Citation:** Zheng v Skinner, 2023 ONLTB 29553

**Date:** 2023-04-04

**File Number:** LTB-L-009944-23

**In the matter of:** 30 Underwood Drive  
Whitby Ontario L1M1H8

**Between:** Huaqun (Peter) Zheng and Yanqing (Kate) Shao Landlords

**And**

James (Jim) Ryan Skinner Tenant

Huaiqun (Peter) Zheng and Yanqing (Kate) Shao (the 'Landlords') applied for an order to terminate the tenancy and evict James (Jim) Ryan Skinner (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 March 16, 2022 with respect to application TEL-19453-21.

This application was decided without a hearing being held.

**Determinations:**

1. The order provides that the Landlords 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:  
  
The Tenant did not pay the lawful rent for January 2023 in full on or before January 1, 2023.  
The Tenant also did not pay \$350.00 towards arrears on or before January 1, 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 Landlords is entitled to request an order for the payment of arrears owing.
4. The Tenant was required to pay \$10,086.00 for rent arrears, and the application filing fee in the previous order. The amount that is still owing from that order is \$350.00 and that amount is included in this order. This order replaces order TEL-19453-21.

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5. The Landlords collected a rent deposit of \$1,650.00 from the Tenant and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenant for the period from September 01, 2017 to April 04, 2023.
7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.
8. The Landlords are 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 \$54.25. This amount is calculated as follows: \$1,650.00 x 12, divided by 365 days.

**It is ordered that:**

1. Order TEL-19453-21 is cancelled.
2. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before April 15, 2023.
3. If the unit is not vacated on or before April 15, 2023, then starting April 16, 2023, the Landlords 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 Landlords on or after April 16, 2023.
5. The Tenant shall pay to the Landlords \$2,083.91\* (Less any payments made by the Tenants after this application was filed on January 26, 2023). This amount represents the rent owing up to April 04, 2023, and the cost of filing the previous application, less the rent deposit and interest the Landlords owe on the rent deposit.
6. The Tenant shall also pay to the Landlords \$54.25 per day for compensation for the use of the unit starting April 5, 2023, to the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlords the full amount owing on or before April 15, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from April 16, 2023, at 6.00% annually on the balance outstanding.

**April 4, 2023**

**Date Issued**

\_\_\_\_\_  
Vladislav Shustov

Member, Landlords and Tenant Board

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

The Tenant has until April 14, 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 14, 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 16, 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 Landlords:**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Amount owing from previous order	Up to February 28, 2022	\$350.00
New Arrears	March 1, 2022 to April 04, 2023	\$3,517.00
Less the rent deposit:		-\$1,650.00
Less the interest owing on the rent deposit	September 01, 2017 to April 04, 2023	-\$133.09
Plus daily compensation owing for each day of occupation starting April 05, 2023		\$54.25 (per day)
<b>Total the Tenant must pay the Landlords:</b>		<b>\$2,083.91+\$54.25 per day starting April 05, 2023</b>

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