Tribunaux décisionnels Ontario

Commission de la location immobilière

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

Citation: Ontario Aboriginal Housing Services v McCue, 2023 ONLTB 29187

Date: 2023-04-04

File Number: LTB-L-025435-23

In the matter of: 36 Earle Cres

Cobalt ON P0J1C0

Between: Ontario Aboriginal Housing Services Landlord

And

Bruce McCue Tenants

Rebecca Doan

On March 2, 2023, Ontario Aboriginal Housing Services (the 'Landlord') applied for an order to terminate the tenancy and evict Bruce McCue and Rebecca Doan (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 7, 2023, with respect to application LTB-L052793-22.

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 did 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 to the Landlord \$6,986.00 on or before March 1, 2023, towards arrears of rent.

Order Page: 1 of 4

File Number: LTB-L-025435-23

The Tenants also failed to pay to the Landlord the lawful rent for February 2023, and March 2023, on or before March 1, 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 \$6,986.00 for rent arrears, and the application filing fee in the previous order. The amount that is still owing from that order is \$6,986.00 and that amount is included in this order. This order replaces order LTB-L-052793-22.
- 5. 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 \$27.95. This amount is calculated as follows: \$850.00 x 12, divided by 365 days.

It is ordered that:

- 1. Order LTB-L-052793-22 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 April 15, 2023.
- 3. If the unit is not vacated on or before April 15, 2023, then starting April 16, 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 16, 2023.
- 5. The Tenants shall pay to the Landlord \$8,797.80*(Less any payments made by the Tenants after this application was filed on March 2, 2023). This amount represents the rent owing up to April 04, 2023, and the cost of filling the application.
- 6. The Tenants shall also pay to the Landlord \$27.95 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 Tenants do not pay the Landlord the full amount owing on or before April 15, 2023, the Tenants 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	Elle Venhola
	Member, Landlord and Tenant Board

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

File Number: LTB-L-025435-23

The Tenants have 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 tenants file 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.

Order Page: 3 of 4

File Number: LTB-L-025435-23

Summary of Calculation

Amount the Tenants must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to January 31, 2023	\$6,986.00
New Arrears	February 1, 2023, to April 04, 2023	\$1,811.80
Plus daily compensation owing for each day of occupation starting April 05, 2023		\$27.95 (per day)
Total the Tenants must pay the Landlord:		\$8,797.80 +\$27.95 per day starting April 05, 2023