



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

**Citation:** Niagara Regional Housing v Knight, 2023 ONLTB 28973

**Date:** 2023-04-03

**File Number:** LTB-L-016666-23

**In the matter of:** 207, 4900 Buckley Ave  
Niagara Falls ON L2E7A8

**Between:** Niagara Regional Housing Landlord

**And**

Kenneth Knight Tenant

Niagara Regional Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Kenneth Knight (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 mediated settlement signed by the parties on December 19, 2022 with respect to application LTB-L-053677-22.

This application was decided without a hearing being held.

### Determinations:

1. The mediated settlement 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 mediated settlement. 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 mediated settlement:  
  
The Tenant failed to maintain his unit in a reasonable state of cleanliness and uncluttered for the duration of the tenancy.
3. The Tenant was required to pay \$186.00 for the application filing fee in the previous mediated settlement. The amount that is still owing from that mediated settlement is \$186.00 and that amount is included in this order. This order replaces Mediated Agreement LTB-L-053677-22
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 \$18.48. This amount is calculated as follows: \$562.00 x 12, divided by 365 days.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before April 14, 2023.
2. If the unit is not vacated on or before April 14, 2023, then starting April 15, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 15, 2023.
4. The Tenant shall pay to the Landlord \$186.00\*. This amount represents the cost related to the application fee for the previous application
5. The Tenant shall also pay to the Landlord \$18.48 per day for compensation for the use of the unit starting April 4, 2023 to the date the Tenant moves out of the unit.
6. If the Tenant does not pay the Landlord the full amount owing on or before April 14, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from April 15, 2023 at 6.00% annually on the balance outstanding.

**April 3, 2023**  
**Date Issued**

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Kathleen Wells  
Member, Landlord and Tenant Board

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

The Tenant has until April 13, 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 13, 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 15, 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.