



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

Citation: Vella v Strathern, 2023 ONLTB 28895

Date: 2023-04-03

File Number: LTB-L-011972-23

In the matter of: 273 Elliott Street
Cambridge ON N1R2L6

Between: Giovanni Vella Landlord

And

Jim Strathern Tenant

Giovanni Vella (the 'Landlord') applied for an order to terminate the tenancy and evict Jim Strathern (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 9, 2023 with respect to application LTB-L-074912-22.

This application was decided without a hearing being held.

Determinations:

1. The previous 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: **The Tenant failed to pay \$2,283.49 representing unpaid water bills, on or before January 20, 2023. Further, on or before, January 20, 2023, the Tenant failed to ensure that the outstanding water account was in good standing in accordance with the requirements of the lease regarding payment of the monthly water bill charges, which is to pay in full and on time, for a 12-month period commencing January 9, 2023.**
3. The Tenant was required to pay \$2,283.49 for water bill charges and the application filing fee of \$186.00 in the previous order. The amount that is still owing from that order is \$2,469.49 and that amount is included in this order
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 \$81.86. This amount is calculated as follows: \$2,490.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-074912-22 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 14, 2023.
3. 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.
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 15, 2023.
5. The Tenant shall pay to the Landlord \$2,469.49 (**less any amounts paid to the Landlord since the application was filed on February 3, 2023**). This amount represents the unpaid compensation for damage, the costs related to the application fee for the previous application.
6. The Tenant shall also pay to the Landlord \$81.86 per day for compensation for the use of the unit starting April 4, 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 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



Kimberly Parish
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.

* Refer to the attached Summary of Calculations.

Summary of Calculations

Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount of compensation for damages owing from previous order		\$2,469.49
Plus daily compensation owing for each day of occupation starting April 04, 2023		\$81.86 (per day)
Total the Tenant must pay the Landlord:		\$2,469.49 + \$81.86 per day starting April 04, 2023

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