



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

Citation: Toronto Community Housing Corporation v Tremblay, 2023 ONLTB 28472

Date: 2023-03-30

File Number: LTB-L-008063-23

In the matter of: 704, 225 Morningside Ave Toronto
ON M1E3E5

Between: Toronto Community Housing Corporation Landlord

And

Darren Tremblay Tenants
Lorraine Duhamel

On January 23, 2023, Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Darren Tremblay and Lorraine Duhamel (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 September 22, 2021, with respect to application TEL-05163-19.

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 the lawful rent on or before January 1, 2023.

The Tenants also failed to pay to the Landlord \$200.00 on or before January 1, 2023, towards arrears of rent.

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 \$11,775.00 for rent arrears, and the application filing fee in the previous order. The amount that is still owing from that order is \$11,775.00 and that amount is included in this order. This order replaces order TEL-05163-19.
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 \$19.23. This amount is calculated as follows: \$585.00 x 12, divided by 365 days.

It is ordered that:

1. Order TEL-05163-19 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 10, 2023.
3. If the unit is not vacated on or before April 10, 2023, then starting April 11, 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 11, 2023.
5. The Tenants shall pay to the Landlord \$13,521.90 *(**Less any payments made by the Tenants after this application was filed on January 23, 2023**). This amount represents the rent owing up to March 30, 2023, and the cost of filling the application.
6. The Tenants shall also pay to the Landlord \$19.23 per day for compensation for the use of the unit starting March 31, 2023, to the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before April 10, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from April 11, 2023, at 6.00% annually on the balance outstanding.

March 30, 2023

Vladislav Shustov

Date Issued

Member, Landlord and Tenant Board

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

The Tenants have until April 09, 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 09, 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 11, 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 Tenants must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to August 31 2021	\$11,775.00
New Arrears	January 1, 2023, to March 30, 2023	\$1,746.90
Plus daily compensation owing for each day of occupation starting March 31, 2023		\$19.23 (per day)
Total the Tenants must pay the Landlord:		\$13,521.90 + \$19.23 per day starting March 31, 2023

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