



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

Citation: M Residential Real Estate LP v Grant, 2023 ONLTB 27559

Date: 2023-03-24

File Number: LTB-L-003159-23

In the matter of: 3D, 129 ALICE ST  
BRACEBRIDGE ON P1L1N1

Between: M Residential Real Estate LP Landlord

**And**

Jason Grant Tenants  
Victoria Grant

M Residential Real Estate LP (the 'Landlord') applied for an order to terminate the tenancy and evict Jason Grant and Victoria Grant (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 October 26, 2022 with respect to application LTB-L-018645-22.

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 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 \$332.23 to arrears on December 20, 2022. The Tenants failed to pay December 2022 lawful rent on December 1, 2022. The tenant failed to pay January 2023 lawful rent on 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 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 \$1,993.23 for rent arrears, and the application filing fee in the previous order. The amount that is still owing from that order is \$1,301.19 and that amount is included in this order.

5. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from December 1, 2022 to January 31, 2023.
6. The Landlord collected a rent deposit of \$1,604.02 from the Tenants and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenants for the period from August 01, 2022 to March 24, 2023.
8. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants is required to pay.
9. The Landlord is entitled to daily compensation from the day after this order is issued to the date the Tenants moves out of the unit at a daily rate of \$53.57. This amount is calculated as follows:  
\$1,629.32 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-018645-22 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 04, 2023.
3. If the unit is not vacated on or before April 04, 2023, then starting April 05, 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 05, 2023.
5. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent and the cost of filing the previous application the Landlord is entitled to by \$2,283.01.
6. However, the Landlord is authorized to deduct the following from the amount the Landlord owes the Tenants: \$53.57 per day for compensation for the use of the unit starting March 25, 2023 to the date the Tenants move out of the unit.
7. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.

March 24, 2023

Date Issued

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Elle Venhola

Member, Landlord and Tenant Board

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

The Tenants have until April 03, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants files the motion by April 03, 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 05, 2023 if the order have not been filed on or before this date with the Court Enforcement Office (Sheriff) that have 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 October 31, 2022	\$1,301.19
New Arrears	November 1, 2022 to March 24, 2023	\$(1,972.96)
Less the rent deposit:		-\$1,604.02
Less the interest owing on the rent deposit	August 01, 2022 to March 24, 2023	-\$7.22
Plus daily compensation owing for each day of occupation starting March 25, 2023		\$53.57 (per day)
<b>Total the Tenants must pay the Landlord:</b>		<b>- \$2,283.01 +\$53.57 per day starting March 25, 2023</b>

2023 ONLTB 27559 (CanLI)