

Tribunals Ontario

Tribunaux décisionnels Ontario

Commission de la location immobilière

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

Citation: Avenue Place LTD. v McPhee, 2023 ONLTB 26939 Date: 2023-03-21 File Number: LTB-L-003611-23

In the matter of:	304, 534 BIRCHMOUNT RD SCARBOROUGH ON M1K1P2	
Between:	Avenue Place LTD.	Landlord
	And	
	Robin McPhee	Tenant

Avenue Place LTD. (the 'Landlord') applied for an order to terminate the tenancy and evict Robin McPhee (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 November 17, 2022 with respect to application LTB-L-005655-22.

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 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 condition specified in the order:

The Tenant failed to ensure their daughter moved out of the rental unit on or before November 30, 2022.

It is ordered that:

1. Order LTB-L-005655-22 is cancelled.

3. If the unit is not vacated on or before April 1, 2023, then starting April 2, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

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- 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 02, 2023.
- 5. The Tenant shall pay to the Landlord \$186.00\*. This amount represents the costs related to the application fee for the previous application.
- 6. If the Tenant does not pay the Landlord the full amount owing on or before April 1, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from April 2, 2023 at 5.00% annually on the balance outstanding.

March 21, 2023 Date Issued

Elle Venhola Member, Landlord and Tenant Board

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

The Tenant has until March 31, 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 March 31, 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 2, 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.

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