



Order under Section 78 Residential Tenancies Act, 2006

Citation: Janzen v Madigan, 2023 ONLTB 25967

Date: 2023-03-21

File Number: LTB-L-010103-23

In the matter of: 5, 30 CUNNINGHAM ST THOROLD
ON L2V3K8

Between: John Janzen Landlord

And

Patrick Madigan Tenant

John Janzen (the 'Landlord') applied for an order to terminate the tenancy and evict Patrick Madigan (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on December 6, 2022 with respect to application LTB-L-047998-22.

On February 6, 2023, the Board issued an endorsement to the parties directing the matter to a hearing.

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 conditions specified in the order: **The Tenant failed to pay \$100.00 on or before December 23 & 30, 2022 and \$100.00 on or before January 6, 13 & 20, 2023.**
3. The Tenant vacated the rental unit on October 31, 2022. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenant to make payments by specific due dates. Accordingly, the Landlord is entitled to request an order for the payment of arrears owing.

4. The Tenant was required to pay \$1,589.48 for rent arrears, and the application filing fee in the previous order. The amount that is still owing from that order is \$1,589.48 and that amount is included in this order. This order replaces order LTB-L-047998-22.

It is ordered that:

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1. Order LTB-L-047998-22 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated as of October 31, 2022, the date the Tenant moved out of the rental unit.
3. The Tenant shall pay to the Landlord \$1,589.48. This amount represents the rent owing up to October 31, 2022 and the cost of filling the application
4. If the Tenant does not pay the Landlord the full amount owing on or before April 01, 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

Fabio Quattrociochi

Member, Landlord and Tenant Board

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

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

