



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

Citation: 2517503 ONTARIO INC v Leppington, 2023 ONLTB 26486

Date: 2023-03-20

File Number: LTB-L-000412-23

2023 ONLTB 26486 (CanLII)

In the matter of: 1, 360 WALLACE AVE S
LISTOWEL ON N4W0G2

Between: 2517503 ONTARIO INC Landlord

And

Michael Leppington Tenant

2517503 ONTARIO INC (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Leppington (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 June 3, 2022 with respect to application HOL-12657-21.

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 conditions specified in the order:
 - The Tenants did not pay the full rent for the month of January, 2023 on or before January 1, 2023.

3. The previous order required the Tenant to pay to the Landlord the monthly rent as it comes due on or before the 1st day of the month for twelve consecutive months starting July 2022 until and including June 2023. Since the date of the previous order, the Tenant has failed to pay the full rent that became owing for the period from December 1, 2022 to January 31, 2023. The previous order also includes that the Tenant shall pay to the Landlord \$186.00 for the cost of filing the application and that amount has been included in this application.
4. This order replaces order HOL-12657-21.
5. The Landlord collected a rent deposit of \$1,150.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from November 20, 2017 to March 20, 2023.
7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.
8. 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 \$38.93. This amount is calculated as follows: \$1,184.00 x 12, divided by 365 days.

It is ordered that:

1. Order HOL-12657-21 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 March 31, 2023.
3. If the unit is not vacated on or before March 31, 2023, then starting April 01, 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 1, 2023.
5. The Tenant shall pay to the Landlord \$3,277.73* (**less any payments made by the Tenant on or after January 4, 2023**). This amount represents the rent owing up to March 20, 2023, and the cost of filling the previous application, less the rent deposit and interest the Landlord owes on the rent deposit.
6. The Tenant shall also pay to the Landlord \$38.93 per day for compensation for the use of the unit starting March 21, 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 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 20, 2023

Date Issued

Kimberly Parish

Member, Landlord and Tenant Board

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

The Tenant has until March 30, 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 30, 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 01, 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
Application fee from previous order		\$186.00
Arrears from previous order owing at time of filing of L4 application on January 4, 2023	December 1, 2022 – January 31, 2023	\$2,368.00
New Arrears	February 1, 2023 – March 20, 2023	\$1,962.60
Less the rent deposit:		-\$1,150.00
Less the interest owing on the rent deposit	November 20, 2017 to March 20, 2023	-\$88.87
Plus daily compensation owing for each day of occupation starting March 21, 2023		\$38.93 (per day)
Total the Tenant must pay the Landlord:		\$3,277.73 +\$38.93 per day starting March 21, 2023

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