



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

**Citation:** Li v Shaw, 2023 ONLTB 26367

**Date:** 2023-03-20 **File Number:**  
LTB-L-081124-22-EX

**In the matter of:** 104, 180 DOWLING AVE TORONTO  
ON M6K3A6

**Between:** Tat Wah Li Landlord

**And**

Maclaine Shaw Tenant

Tat Wah Li (the 'Landlord') applied for an order to terminate the tenancy and evict Maclaine Shaw (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 with respect to application LTB-L-010676-22.

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 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: **On November 29, 2022, the tenant was seen on video exiting the mechanical room at the residential complex, without authorization to enter the room. The Tenant removed the fire extinguisher and discharged the fire extinguisher on the floor, which required the Landlord to replace the fire extinguisher. On December 16, 2022, the Tenant and her guests were seen removing items from a first floor office at the complex. The Tenant was not permitted access to this office and took the items to her rental unit. On December 19, 2022, the Landlord's staff member noticed that the Tenant's office window had been broken by a rock by the Tenant or Tenant's guests.**

3. 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 \$16.34. This amount is calculated as follows: \$497.00 x 12, divided by 365 days.

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2023 ONL TB 26367 (CanLII)

**It is ordered that:**

1. 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.
2. 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.
3. 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 01, 2023.
4. The Tenant shall pay to the Landlord \$16.34 per day for compensation for the use of the unit starting March 21, 2023 to the date the Tenant moves out of the unit. The daily compensation only applies if the Landlord has not collected a rental payment for those dates.
5. If the Tenant does not pay the Landlord the full amount owing on or before March 31, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from April 1, 2023 at 5.00% annually on the balance outstanding.

**March 20, 2023**

**Date Issued**

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André-Paul Baillargeon-Smith  
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.