



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

Citation: Parkin v Taylor-walker, 2023 ONLTB 25946

Date: 2023-03-16

File Number: LTB-L-078472-22

In the matter of: 1087 FEATHERSTONE CRT KINGSTON
ON K7M8R4

Between: Marilyn Parkin Landlord

And

David Degrace and Jessica Taylor-walker Tenant

Marilyn Parkin (the 'Landlord') applied for an order to terminate the tenancy and evict David Degrace and Jessica Taylor-walker (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 mediated settlement signed by the parties on July 11, 2022 with respect to application LTB-L000852-22.

This application was decided without a hearing being held.

Determinations:

1. The mediated settlement 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 mediated settlement. 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 mediated settlement

- **The Tenant failed to make the payment of \$100.00 on or before November 25, 2022.**

3. The previous application includes a request for an order for compensation for damage and the mediated settlement requires the Tenant to pay an amount for damage. Accordingly, the Landlord is entitled to request an order for compensation for damage.
4. The Tenant was required to pay \$516.12 for compensation for damage in the previous mediated settlement. The amount that is still owing from that mediated settlement is \$216.12 and that amount is included in this order. This order replaces order LTB-L000852-22.

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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 27, 2023.
2. If the unit is not vacated on or before March 27, 2023, then starting March 28, 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 March 28, 2023.
4. The Tenant shall pay to the Landlord \$216.12*. This amount represents the unpaid compensation for damage, less the rent deposit and interest the Landlord owes on the rent deposit.
5. The Tenant shall also pay to the Landlord \$45.67 per day for compensation for the use of the unit starting March 17, 2023 to the date the Tenant moves out of the unit.
6. If the Tenant does not pay the Landlord the full amount owing on or before March 27, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from March 28, 2023 at 5.00% annually on the balance outstanding.

March 16, 2023

Date Issued

Kathleen Wells

Member, Landlord and Tenant Board

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

The Tenant has until March 26, 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 26, 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 September 27, 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.

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Summary of Calculation

Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount of compensation for damages owing from previous mediated settlement		\$216.12
Plus daily compensation owing for each day of occupation starting March 17, 2023		\$45.67 (per day)
Total the Tenant must pay the Landlord:		\$216.12 + \$45.67 per day starting March 17, 2023