



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

Citation: Sireg Management Inc. v Wolfe, 2023 ONLTB 25943

Date: 2023-03-09 **File Number:**
LTB-L-004735-23-EX

In the matter of: 13, 1410 Kensington Parkway Brockville
Ontario K6V6S5

Between: Sireg Management Inc. Landlord

And

Cheryl Wolfe
Mark Harper Tenants

Sireg Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Cheryl Wolfe and Mark Harper (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on March 22, 2022 with respect to application EAL-94027-21-RV.

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 Tenants have not met the following condition specified in the order:
3. In the declaration filed with the application, the Landlord's representative states that the Tenants failed to pay their December 2022 rent, in full and on time.

4. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenants to make payments by specific due dates. Accordingly, in addition to eviction, the Landlord is entitled to request an order for the payment of arrears owing.
5. The Tenants were required to pay \$12,768.33 for rent arrears, and the application filing fee in the previous order. The amount that is still owing from that order is \$11,199.45 and that amount is included in this order. This order replaces order EAL-94027-21-RV.

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6. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from March 1, 2022 to December 31, 2022.
7. There is no last month's rent on deposit.
8. The Landlord is entitled to daily compensation from the day after this order is issued to the date the Tenants move out of the unit at a daily rate of \$32.61. This amount is calculated as follows: \$991.76 x 12, divided by 365 days.

It is ordered that:

1. Order EAL-94027-21-RV is cancelled.
2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before March 20, 2023.
3. If the unit is not vacated on or before March 20, 2023, then starting March 21, 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 March 21, 2023.
5. The Tenants shall pay to the Landlord \$20,984.06*. This amount represents the rent owing up to March 09, 2023, and the cost of filling the application, less the rent deposit and interest the Landlord owes on the rent deposit.
6. The Tenants shall also pay to the Landlord \$32.61 per day for compensation for the use of the unit starting March 10, 2023 to the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before March 20, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from March 21, 2023 at 5.00% annually on the balance outstanding.

March 9, 2023

Date Issued

Curtis Begg

Member, Landlord and Tenant Board

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

The Tenants have until March 19, 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 19, 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.

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In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 21, 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 Calculation

Amount the Tenants must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to February 28, 2022	\$11,199.45
New Arrears	March 1, 2022 to March 09, 2023	\$9,784.61
New NSF cheque charges and related administration charges		\$0.00
Less the rent deposit:		-\$
Less the interest owing on the rent deposit	to March 09, 2023	-\$0.00

Plus daily compensation owing for each day of occupation starting March 10, 2023	\$32.61 (per day)
Total the Tenants must pay the Landlord:	\$20,984.06 +\$32.61 per day starting March 10, 2023

2023 ONL TB 25943 (CanLI)