



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

Citation: Westwood Management International v Harris, 2023 ONLTB 21026

Date: 2023-02-17

File Number: LTB-L-000960-23

In the matter of: 810, 2101 Islington Avenue
Toronto Ontario M9P3R2

Between: Westwood Management International Landlord

And

Adina Harris Tenants
Yvonne Aarons

Westwood Management International (the 'Landlord') applied for an order to terminate the tenancy and evict Adina Harris and Yvonne Aarons (the 'Tenants') and for an order to have the Tenants pay compensation for damage they owe because the Tenants did not meet a condition specified in the order issued by the LTB on July 29, 2021 with respect to application TNL-28393-20.

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 Tenants to terminate the tenancy and evict the Tenants if the Tenants 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: **The Tenants failed to pay full \$350.00 on or before November 15, 2022 towards the costs to repair the damaged property.**
3. The previous application includes a request for an order for compensation for damage and the order requires the Tenants to pay an amount for damage. Accordingly, the Landlord is entitled to request an order for compensation for damage.
4. The Tenants were required to pay \$11,865.00 for compensation for damage and the application filing fee in the previous order. The amount that is still owing from that order is \$7,093.32 and that amount is included in this order.

5. The Landlord is entitled to daily compensation from the day after this order is issued to the date the Tenants moves out of the unit at a daily rate of \$47.46. This amount is calculated as follows: \$1,443.47 x 12, divided by 365 days.

It is ordered that:

1. Order TNL-28393-20 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 February 28, 2023.
3. If the unit is not vacated on or before February 28, 2023, then starting March 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 March 01, 2023.
5. The Tenants shall pay to the Landlord \$7,093.32***(Less any payments made by the Tenants after this application was filed on November 21, 2022)**. This amount represents the unpaid compensation for damage.
6. The Tenants shall also pay to the Landlord \$47.46 per day for compensation for the use of the unit starting February 18, 2023 to the date the Tenants moves out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before February 28, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from March 1, 2023 at 5.00% annually on the balance outstanding.

2023 ONLTB 21026 (CanLII)

February 17, 2023
Date Issued

Kimberly Parish
Member, Landlord and Tenant Board

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

The Tenants have until February 27, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the tenants file the motion by February 27, 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 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 Tenants must pay the Landlord:

| Reason for amount owing | Period | Amount |
|---|--------|---|
| Amount of compensation for damages owing from previous order | | \$7,093.32 |
| Plus daily compensation owing for each day of occupation starting February 18, 2023 | | \$47.46 (per day) |
| Total the Tenants must pay the Landlord: | | \$7,093.32 +\$47.46 per day starting February 18, 2023 |

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