



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

Citation: 2773181 Ontario Inc. v Freeman, 2023 ONLTB 21019

Date: 2023-02-17

File Number: LTB-L-000708-23

In the matter of: 6B, 205 Fane Street
Corunna ON N0N1G0

Between: 2773181 Ontario Inc. Landlord

And

Jessica Freeman Tenant

2773181 Ontario Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Freeman (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on November 16, 2022 with respect to application LTB-L-007197-22.

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. Based on the photographs produced by the Landlord and the declaration in support of the Landlord's application, I find that the Tenant has not met the following conditions specified in the order:

The Tenant failed to refrain from depositing or leaving garbage or debris outside of, or beside, the rental unit.

The Tenant failed to refrain from depositing or leaving pet feces outside of, or beside, the rental unit.

The Tenant failed to place all garbage, debris, and pet feces into the garbage dumpster on the premises.

3. The Landlord collected a rent deposit of \$1,450.00 from the Tenant and this deposit is still being held by the Landlord.

4. 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 \$47.67. This amount is calculated as follows: \$1,450.00 x 12, divided by 365 days.

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 February 28, 2023.
2. 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.
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 01, 2023.
4. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

February 17, 2023
Date Issued

Kimberly Parish
Member, Landlord and Tenant Board

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

The Tenant has 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 tenant files 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.