



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

Citation: Rabindranath v Brooks, 2023 ONLTB 20057

Date: 2023-02-13

File Number: LTB-L-080138-22

In the matter of: 588 Annandale Street
Oshawa ON L1H7S7

Between: Jeevaratnam Rabindranath and Landlords
Jeyarani Rabindranath

And

Jesse James Douglas Brooks and Tenants
Sarah Carlton

On November 11, 2022, Jeevaratnam Rabindranath and Jeyarani Rabindranath (the 'Landlords') applied for an order to terminate the tenancy and evict Jesse James Douglas Brooks and Sarah Carlton (the 'Tenants'); for an order to have the Tenants pay the rent they owe; and for an order to have the Tenants pay compensation for outstanding utilities they owe because the Tenants did not meet a condition specified in the order issued by the LTB on November 8, 2022 with respect to application LTB-L-024254-22.

This application was decided without a hearing being held.

Determinations:

1. The order provides that the Landlords 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 do 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 \$1,900.00 towards the outstanding rent arrears in full on or before November 4, 2022.**
3. 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 Landlords are entitled to request an order for the payment of arrears owing.
4. The previous application includes a request for an order for compensation for outstanding utilities and requires the Tenants to pay an amount for outstanding utilities. Accordingly, the Landlords are entitled to request an order for compensation for outstanding utilities.

5. The Tenants were required to pay \$21,286.00 for rent arrears and the application filing fee plus \$1,573.13 for compensation for outstanding utilities. The amounts that are still owing from that order are \$19,886.00 for rent arrears plus \$1,573.13 for outstanding utilities and those amounts are included in this order. This order replaces order LTB-L-024254-22.
6. The Landlords are 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 \$62.47. This amount is calculated as follows: \$1,900.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-024254-22 is cancelled.
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before February 24, 2023.
3. If the unit is not vacated on or before February 24, 2023, then starting February 25, 2023, the Landlords 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 Landlords on or after February 25, 2023.
5. The Tenants shall pay to the Landlords \$26,071.24*, less any payments made by the Tenants after this application was filed on. This amount represents the rent owing up to February 13, 2023, the outstanding utilities of \$1,573.13 and the \$186.00 cost of filling the application.
6. The Tenants shall also pay to the Landlords \$62.47 per day for compensation for the use of the unit starting February 14, 2023 to the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlords the full amount owing on or before February 24, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from February 25, 2023 at 5.00% annually on the balance outstanding.

February 13, 2023
Date Issued

 Camille Tancioco
 Member, Landlord and Tenant Board

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

The Tenants have until February 23, 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 23, 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 August 25, 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 Landlords:**

Reason for amount owing	Period	Amount
Amount of rent owing, outstanding utilities and filing fee from previous order	To November 30, 2022	\$21,459.13
New Arrears	December 1, 2022 to February 13, 2023	\$4,612.11
Less the rent deposit:		-\$0.00
Plus daily compensation owing for each day of occupation starting February 14, 2023		\$62.47 (per day)
Total the Tenants must pay the Landlords:		\$26,071.24 + \$62.47 per day starting February 14, 2023

2023 ONLTB 20057 (CanLI)