



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

Citation: Ajax Municipal Housing Corporation v Vanleeuwen, 2023 ONLTB 19632

Date: 2023-02-10

File Number: LTB-L-077218-22

In the matter of: 304, 40 Kitney Drive
Ajax Ontario L1S4G3

Between: Ajax Municipal Housing Corporation Landlord

And

Ian Vanleeuwen Tenant

On November 3, 2022, Ajax Municipal Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Ian Vanleeuwen (the 'Tenant') and to collect compensation until the date the Tenant moves out of the rental unit because the Tenant failed to meet conditions specified in the order issued by the Board on February 2, 2022 with respect to application TEL-19681-21.

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. The previous order TEL-19681-21 specifies that the Tenant shall not commit an illegal act in the residential complex as follows: the Tenant shall not commit an act of aggression towards another person at the residential complex. This term is in effect from January 12, 2022 to January 11, 2023. I find that the Tenant has not met the following conditions specified in the order:
 - i. **On October 4, 2022, the Tenant shouted at another tenant and their guest when they were entering the building;**
 - ii. **On October 7, 2022, The Tenant blocked the path of another tenant who was walking to take the garbage out and told the tenant they were not going anywhere and prevented the tenant from taking their garbage out; and**
 - iii. **On October 16, 2022, the Tenant said to another tenant who was in the Common Room at the residential complex to enjoy their coffee/drink as it will**

be the last one they would be having in the building and further said that the tenant would not be getting any hints of what is going to happen.

3. The previous order TEL-19681-21 notes that the Landlord shall provide 7 days written notice prior to filing under section 78 regarding the application and that the notice may be provided by email. I find the Landlord has satisfied this condition because I accept the Landlord's submission in the Declaration that the Landlord mailed a copy of a letter on October 20, 2022 to the Tenant which advised of the complaints noted above in paragraph 2. The Landlord produced a copy of this letter dated October 18, 2022.
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 \$17.29. This amount is calculated as follows: \$526.00 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 21, 2023.
2. If the unit is not vacated on or before February 21, 2023, then starting February 22, 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 February 22, 2023.
4. The Tenant shall pay to the Landlord \$17.29 per day for compensation for the use of the unit starting February 11, 2023 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing on or before February 21, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from February 22, 2023 at 5.00% annually on the balance outstanding.

February 10, 2023
Date Issued

 Kimberly Parish
 Member, Landlord and Tenant Board

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

The Tenant has until February 20, 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 20, 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 22, 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.