



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

**Citation:** Lafleur v Wagner, 2023 ONLTB 19123

**Date:** 2023-02-09

**File Number:** LTB-L-078424-22

**In the matter of:** 2, 72 BARBARA CRES  
KITCHENER ON N2M4N2

**Between:** Joel Lafleur and Laurie Lafleur Landlord

**And**

Nicole Wagner Tenant

Joel Lafleur and Laurie Lafleur (the 'Landlord') applied for an order to terminate the tenancy and evict Nicole Wagner (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on November 9, 2022 with respect to application LTB-L-034066-22.

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. I find that the Tenant has not met the following condition specified in the order: The Tenant failed to pay the full lawful monthly rent for the month of November 2022 on or before November 7, 2022.
3. The previous application includes a request for an order for compensation for damage and the order requires the Tenant to pay an amount for damage. Accordingly, the Landlord is entitled to request an order for compensation for damage.
4. The Landlord collected a rent deposit of \$1,014.30 from the Tenant and this deposit is still being held by the Landlord.
5. 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 \$33.35. This amount is calculated as follows: \$1,014.30 x 12, divided by 365 days.

### It is ordered that:

1. Order LTB-L-034066-22 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before February 20, 2023.
3. If the unit is not vacated on or before February 20, 2023, then starting February 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 February 21, 2023.
5. However, the Landlord is authorized to deduct the following from the amount the Landlord owes the Tenant: \$33.35 per day for compensation for the use of the unit starting February 10, 2023 to the date the Tenant moves out of the unit.
6. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

**February 9, 2023**

**Date Issued**

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Vladislav Shustov

Member, Landlord and Tenant Board

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

The Tenant has until February 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 February 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on August 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.