



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

Citation: Arsoma Capital Funds Corp. v Worthen, 2023 ONLTB 17926

Date: 2023-02-02

File Number: LTB-L-076088-22

In the matter of: 1, 73 CENTURY
HAMILTON ON L8L1V9

Between: Arsoma Capital Funds Corp. Landlord

And

Mark Worthen Tenants
Patricia Asgill

Arsoma Capital Funds Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Mark Worthen and Patricia Asgill (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on September 20, 2022 with respect to application LTB-L-004763-22.

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 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 conditions specified in the order: **The Tenants failed to pay monthly rent for October 2022 on or before October 1, 2022. Further, the Tenants failed to pay \$8,100.00 towards arrears on or before October 5, 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 Landlord is entitled to request an order for the payment of arrears owing.

4. The Tenants were required to pay \$8,100.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$8,100.00 and that amount is included in this order.
5. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from October 1, 2022 to October 31, 2022.

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6. 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 \$29.59. This amount is calculated as follows: \$900.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-004763-22 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 13, 2023.
3. If the unit is not vacated on or before February 13, 2023, then starting February 14, 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 14, 2023.
5. The Tenants shall pay to the Landlord \$11,759.18***(Less any payments made by the Tenants after this application was filed on October 31, 2022)**. This amount represents the rent owing up to February 02, 2023, less the rent deposit and interest the Landlord owes on the rent deposit.
6. The Tenants shall also pay to the Landlord \$29.59 per day for compensation for the use of the unit starting February 3, 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 13, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from February 14, 2023 at 5.00% annually on the balance outstanding.

February 2, 2023

Ian Speers

Date Issued

Associate Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor,

The Tenants have until February 12, 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 12, 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 14, 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.

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Summary of Calculation

Amount the Tenants must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to September 30, 2022	\$8,100.00
New Arrears	October 1, 2022 to February 02, 2023	\$3,659.18
Less the rent deposit:		-\$0.00
Less the interest owing on the rent deposit	to February 02, 2023	-\$0.00
Plus daily compensation owing for each day of occupation starting February 03, 2023		\$29.59 (per day)
Total the Tenants must pay the Landlord:		\$11,759.18 +\$29.59 per day starting February 03, 2023