



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

**Citation:** London & Middlesex Community Housing v Zhuravlev, 2023 ONLTB 16932

**Date:** 2023-01-30

**File Number:** LTB-L-075188-22

**In the matter of:** 301, 580 DUNDAS ST  
LONDON ON N6B1W9

**Between:** London & Middlesex Community Housing Landlord

**And**

Maxim Zhuravlev Tenant

London & Middlesex Community Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Maxim Zhuravlev (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on October 12, 2022 with respect to application LTB-L-001947-22.

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 conditions specified in the order:

**The Tenant failed to restore and maintain the rental unit in a state of ordinary cleanliness.**

**The Tenant failed to ensure that all floors and countertops are free from any open food containers, paper or other waste items, and all garbage is cleared and taken out of the rental unit.**

### 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 10, 2023.

2. If the unit is not vacated on or before February 10, 2023, then starting February 11, 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 11, 2023.
4. The Tenant shall pay to the Landlord \$186.00, for the cost of filing the application.
5. The Tenant shall pay to the Landlord \$19.73 per day for compensation for the use of the unit starting January 31, 2023 to the date the Tenant moves out of the unit.
6. If the Tenant does not pay the Landlord the full amount owing on or before February 10, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from February 11, 2023 at 5.00% annually on the balance outstanding.

**January 30, 2023**  
**Date Issued**

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Kimberly Parish  
Member, Landlord and Tenant Board

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

The Tenant has until February 09, 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 09, 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 11, 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.