



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

Citation: TIMBERCREEK ASSET MANAGEMENT v CARRIERE, 2023 ONLTB 15322

Date: 2023-01-16

File Number: LTB-L-065152-22

In the matter of: 103, 3905 RIVERSIDE DRIVE EAST
WINDSOR ONTARIO N8Y1B3

Between: Parraline Express Inc. and TIMBERCREEK ASSET MANAGEMENT Landlord

And

RONALD CARRIERE Tenant

Parraline Express Inc. and TIMBERCREEK ASSET MANAGEMENT (the 'Landlord') applied for an order to terminate the tenancy and evict RONALD CARRIERE (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on October 28, 2021 with respect to application SWL-41060-20.

The application was heard on January 11, 2023. Only the Landlord's representative Tim Curry attended the hearing.

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 Tenant failed to make rent or arrears payments in August, September, October, November and was late with a payment in December 2022. The Tenant has not made any payments in January 2023.
3. The Tenants owes the Landlord \$3,923.84 in arrears and costs to January 16, 2023.
4. The Landlord collected a rent deposit of \$1,062.90 from the Tenant and this deposit is still being held by the Landlord.
5. The amount of the rent deposit is applied to the amount the Tenant is required to pay.
6. 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 \$36.70. This amount is calculated as follows: \$1,116.31 x 12, divided by 365 days.

It is ordered that:

1. Order SWL-41060-20 is cancelled and replaced with the following.
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before January 27, 2023.
3. If the unit is not vacated on or before January 27, 2023, then starting January 28, 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 January 28, 2023.
5. The Tenant shall pay to the Landlord \$3,923.84. This amount represents the rent owing up to January 16, 2023, less the rent deposit.
6. The Tenant shall also pay to the Landlord \$36.70 per day for compensation for the use of the unit starting January 17, 2023 to the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before January 27, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from January 28, 2023 at 5.00% annually on the balance outstanding.

January 16, 2023

Date Issued

Greg Joy
Member, Landlord and Tenant Board

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

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 July 28, 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.

