



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

**Citation:** DMS Property Management Ltd v Corrigan, 2023 ONLTB 14460

**Date:** 2023-01-12

**File Number:** LTB-L-071831-22

**In the matter of:** E207, 160 Century Hill Drive  
Kitchener Ontario N2E2W6

**Between:** DMS Property Management Ltd Landlord

**And**

Tammie Corrigan Tenant

DMS Property Management Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Tammie Corrigan (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on November 15, 2021 with respect to application SWL-50445-21.

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. I find that the Tenant has not met the following condition specified in the order: The Tenant failed to pay lawful monthly rent for October 2022 on or before October 1, 2022.
3. The Landlord collected a rent deposit of \$855.00 from the Tenant and this deposit is still being held by the Landlord.
4. Interest on the rent deposit is owing to the Tenant for the period from March 02, 2020 to January 12, 2023.
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 \$28.11. This amount is calculated as follows: \$855.00 x 12, divided by 365 days.

### **It is ordered that:**

1. Order SWL-50445-21 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 January 23, 2023.
3. If the unit is not vacated on or before January 23, 2023, then starting January 24, 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 24, 2023.
5. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

**January 12, 2023**  
**Date Issued**

Kimberly Parish  
Member, Landlord and Tenant Board

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

The Tenant has until January 22, 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 January 22, 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 July 24, 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.