



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

Citation: Kifumbi v Bolger, 2024 ONLTB 56424

Date: 2024-08-07

File Number: LTB-L-058708-24

In the matter of: UNIT 66, 135 HARDCASTLE DR
CAMBRIDGE ON N1S0B6

Between: Francoise Kifumbi
Gauthier Lenzui

Landlords

And

Summer Bolger
Alex Tindall

Tenants

I hereby certify this is a
true copy of an Order dated
AUG 7 2024
Landlord and Tenant Board

Francoise Kifumbi and Gauthier Lenzui (the 'Landlords') applied for an order to terminate the tenancy and evict Summer Bolger and Alex Tindall (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 July 11, 2024 with respect to applications LTB-L-096627-23 and LTB-L-031136-24.

This application was decided without a hearing being held.

Determinations:

1. The order provides that the Landlords 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 do 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 condition(s) specified in the order:
 - i. **The Tenants failed to pay \$200.00 towards arrears on or before July 20, 2024.**
 - ii. **The Tenants failed to pay to the Landlords the lawful rent in full on or before July 1, 2024.**
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 Landlords are entitled to request an order for the payment of arrears owing.

4. The Tenants were required to pay \$1,800.53 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$1,800.53 and that amount is included in this order. This order replaces order LTB-L-096627-23 and LTB-L-031136-24.
5. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from July 1, 2024, to July 31, 2024.
6. The Landlords are entitled to daily compensation from the day after this order is issued to the date the Tenants move out of the unit at a daily rate of \$93.70. This amount is calculated as follows: \$2,850.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-096627-23 and LTB-L-031136-24 is cancelled.
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before August 18, 2024.
3. If the unit is not vacated on or before August 18, 2024, then starting August 19, 2024, the Landlords 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 Landlords on or after August 19, 2024.
5. The Tenants shall pay to the Landlords \$3,356.43. **(Less any payments made by the Tenants after this application was filed on July 23, 2024).** This amount represents the rent owing up to August 7, 2024.
6. The Tenants shall also pay to the Landlords \$93.70 per day for compensation for the use of the unit starting August 8, 2024, to the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlords the full amount owing on or before August 18, 2024, the Tenants will start to owe interest. This will be a simple interest calculated from August 19, 2024, at 7.00% annually on the balance outstanding.

August 7, 2024
Date Issued



Kimberly Parish
Member, Landlord and Tenant Board

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

The Tenants have until August 17, 2024, 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 August 17, 2024, 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 February 19, 2025, 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.

Summary of Calculations**Amount the Tenants must pay the Landlords:**

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to June 30, 2024	\$1,800.53
New Arrears	July 1, 2024, to August 7, 2024	\$1,555.90
Plus daily compensation owing for each day of occupation starting August 8, 2024		\$93.70 (per day)
Total the Tenants must pay the Landlords:		\$3,356.43 + \$93.70 per day starting August 8, 2024