



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

Citation: Abiodun v Burton, 2023 ONLTB 24325

Date: 2023-03-08

File Number: LTB-L-002998-23

In the matter of: 3 KALBROOK ST
Ottawa ON K2T1A8

Between: Adesubomi Abiodun
Olufolohan Abiodun

And

Courtney Burton
Darcy Riga

I hereby certify this is a
true copy of an Order dated

MAR 8, 2023

Landlord and Tenant Board

Landlords

Tenants

Adesubomi Abiodun and Olufolohan Abiodun (the 'Landlords') applied for an order to terminate the tenancy and evict Courtney Burton and Darcy Riga (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 November 16, 2022 with respect to application LTB-L-022307-22.

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 specified in the order: **The Tenants failed to pay \$18,186.00 towards arrears (including \$186.00 for costs) on or before November 30, 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 Landlords are entitled to request an order for the payment of arrears owing.
4. The Tenants were required to pay \$18,186.00 for rent arrears, and the application filing fee in the previous order. The amount that is still owing from that order is \$18,186.00 and that amount is included in this order.

5. The Landlords collected a rent deposit of \$2,250.00 from the Tenants and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenants for the period from December 10, 2021 to March 08, 2023.
7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants is required to pay.
8. The Landlords are 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 \$73.97. This amount is calculated as follows: \$2,250.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-022307-22 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 March 19, 2023.
3. If the unit is not vacated on or before March 19, 2023, then starting March 20, 2023, 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 March 20, 2023.
5. The Tenants shall pay to the Landlords \$25,490.43* (**Less any payments made by the Tenants after this application was filed on December 1, 2022**). This amount represents the rent owing up to March 08, 2023, and the cost of filing the previous application, less the rent deposit and interest the Landlords owes on the rent deposit.
6. The Tenants shall also pay to the Landlords \$73.97 per day for compensation for the use of the unit starting March 9, 2023 to the date the Tenants moves out of the unit.
7. If the Tenants do not pay the Landlords the full amount owing on or before March 19, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from March 20, 2023 at 5.00% annually on the balance outstanding.

March 8, 2023
Date Issued



Kimberly Parish
Member, Landlord and Tenant Board

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

The Tenants have until March 18, 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 March 18, 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 September 20, 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.

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

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to November 30, 2022	\$18,186.00
New Arrears	to March 08, 2023	\$9,591.76
Less the rent deposit:		-\$2,250.00
Less the interest owing on the rent deposit	December 10, 2021 to March 08, 2023	-\$37.33
Plus daily compensation owing for each day of occupation starting March 09, 2023		\$73.97 (per day)
Total the Tenants must pay the Landlords:		\$25,490.43 +\$73.97 per day starting March 09, 2023