



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

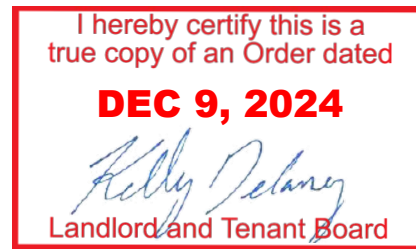
File Number: LTB-L-098689-24

In the matter of: 43 OTTAWA ST N
HAMILTON ON L8H3Y8

Between: Sabina Palka

And

Matthew Williams
Cassandra Musgrave



Landlord

Tenants

Sabina Palka (the 'Landlord') applied for an order to terminate the tenancy and evict Matthew Williams and Cassandra Musgrave (the 'Tenants') and for an order to have the Tenants pay compensation for damage they owe because the Tenants did not meet a condition specified in the order issued by the LTB on October 22, 2024, with respect to application LTB-L-017853-24.

This application was decided without a hearing being held.

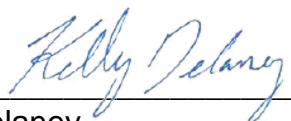
Determinations:

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 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:
 - a) The Tenants failed to pay \$1,000.00 for damages on or before November 30, 2024.
3. The previous application includes a request for an order for compensation for damage and the order requires the Tenants to pay an amount for damage. Accordingly, the Landlord is entitled to request an order for compensation for damage.
4. The Tenants were required to pay \$1,186.00 for compensation for damage and the application filing fee in the previous order. The amount that is still owing from that order is \$1,186.00 and that amount is included in this order. This order replaces order LTB-L-017853-24.
5. The Landlord is 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 \$49.99. This amount is calculated as follows: \$1,520.42 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-017853-24 is cancelled.
2. The tenancy between the Landlord and the Tenants are terminated. The Tenants must move out of the rental unit on or before December 20, 2024.
3. If the unit is not vacated on or before December 20, 2024, then starting December 21, 2024, 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 December 21, 2024.
5. The Tenants shall pay to the Landlord \$1,186.00*. This amount represents the unpaid compensation for damage and the costs related to the application fee for the previous application.
6. The Tenants shall also pay to the Landlord \$49.99 per day for compensation for the use of the unit starting December 10, 2024, to the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before December 20, 2024, the Tenants will start to owe interest. This will be a simple interest calculated from December 21, 2024, at 6.00% annually on the balance outstanding.

December 9, 2024
Date Issued



Kelly Delaney

Member, Landlord and Tenants Board

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

The Tenants have until December 19, 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 December 19, 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 June 21, 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 Calculation**Amount the Tenants must pay the Landlord:**

Reason for amount owing	Period	Amount
Amount of compensation for damages owing from previous order		\$1,186.00
New NSF cheque charges and related administration charges		\$0.00
Plus, daily compensation owing for each day of occupation starting December 10, 2024		\$49.99 (per day)
Total the Tenants must pay the Landlord:		\$1,186.00 +\$49.99 per day starting December 10, 2024