



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

File Number: LTB-L-074496-24

In the matter of: 53 WANITA RD
SCARBOROUGH ON M1C1V3

Between: Philip Villari

And

Leslie Fulton

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

SEP 27, 2024

Paula West Oreskovich

Landlord and Tenant Board

Landlord

Tenant

Philip Villari (the 'Landlord') applied for an order to terminate the tenancy and evict Leslie Fulton (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on November 14, 2023, with respect to application LTB-L-065902-23-SA.

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 the full lawful rent of \$1,666.00 on or before September 12, 2024.

3. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenant to make payments by specific due dates. Accordingly, in addition to eviction, the Landlord is entitled to request an order for the payment of arrears owing.
4. Since the date of the previous order, the Tenant has failed to pay the full rent that became owing for the period from September 1, 2024, to September 30, 2024.
5. The Landlord collected a rent deposit of \$1,500.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from July 1, 2013, to September 27, 2024.

7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.
8. 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 \$54.77. This amount is calculated as follows: \$1,666.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-065902-23-SA 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 October 8, 2024.
3. If the unit is not vacated on or before October 8, 2024, then starting October 9, 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 October 9, 2024.
5. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, compensation the Landlord is entitled to by \$298.85*.
6. However, the Landlord is authorized to deduct the following from the amount the Landlord owes the Tenant: \$54.77 per day for compensation for the use of the unit starting September 28, 2024, to the date the Tenant moves out of the unit.
7. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

September 27, 2024
Date Issued

Paula West Oreskovich
Paula West Oreskovich
Member, Landlord and Tenant Board

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

The Tenant has until October 7, 2024, 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 October 7, 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 April 9, 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 Tenant must pay the Landlord:**

Reason for amount owing	Period	Amount
New Arrears	September 1, 2024, to September 27, 2024	\$1,478.79
Less the rent deposit:		-\$1,500.00
Less the interest owing on the rent deposit	July 1, 2013, to September 27, 2024	-\$277.64
Plus, daily compensation owing for each day of occupation starting September 28, 2024		\$54.77 (per day)
Total the Tenant must pay the Landlord:		- \$298.85 + \$54.77 per day starting September 28, 2024