



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

File Number: LTB-L-034417-26

In the matter of: B, 322 MCALPINE AVE S
WELLAND ON L3B1V2

Between: Damir Baizhiyenov Landlord

And

Justin Dunn Tenant

Damir Baizhiyenov (the 'Landlord') applied for an order to terminate the tenancy and evict Justin Dunn (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on March 20, 2026 with respect to application LTB-L-009919-26.

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 to the Landlord the lawful rent of \$1,600.00 in full and on time, on or before April 1, 2026.

3. The previous application includes a request for an order for compensation for each day the Tenant remained in the unit after the termination date. Accordingly, the Landlord is entitled to request an order for compensation. This order replaces order LTB-L-009919-26.
4. The Landlord collected a rent deposit of \$1,600.00 from the Tenant and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenant for the period from February 16, 2024, to April 24, 2026.
6. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.

7. 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 \$52.60. This amount is calculated as follows: \$1,600.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-009919-26 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 May 5, 2026.
3. If the unit is not vacated on or before May 5, 2026, then starting May 6, 2026, 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 May 6, 2026.
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 compensation for damage and the cost of filing the previous application the Landlord is entitled to by \$1,679.86.
6. However, the Landlord is authorized to deduct the following from the amount the Landlord owes the Tenant: \$52.60 per day for compensation for the use of the unit starting April 25, 2026, 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.

April 24, 2026

Date Issued

Joshua Labbe

Member, Landlord and Tenant Board

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

The Tenant has until May 4, 2026, 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 May 4, 2026, 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 November 6, 2026, 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 Tenant must pay the Landlord:**

Reason for amount owing	Period	Amount
Less the rent deposit:		-\$1,600.00
Less the interest owing on the rent deposit	February 16, 2024, to April 24, 2026	-\$79.86
Plus, daily compensation owing for each day of occupation starting April 25, 2026		\$52.60 (per day)
Total the Tenant must pay the Landlord:		- \$(1,679.86) +\$52.60 per day starting April 25, 2026