



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

File Number: LTB-L-036480-26

In the matter of: Basement Unit, 1065 OLIVE AVE
OSHAWA ON L1H2T2

Between: Gedalya Weitz Landlords
Simcha Weitz

And

Jake Darby Tenants
Desiree Morton

Gedalya Weitz and Simcha Weitz (the 'Landlords') applied for an order to terminate the tenancy and evict Jake Darby and Desiree Morton (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 April 21, 2026 with respect to application LTB-L-012033-26.

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 the full \$400.00 towards arrears on or before April 17, 2026.

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 \$3,176.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$3,176.00 and that amount is included in this order. This order replaces order LTB-L-012033-26.
5. The Landlords collected a rent deposit of \$2,150.00 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 January 21, 2025, to May 1, 2026.
7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants are required to pay.
8. 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 \$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-012033-26 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 11, 2026.
3. If the unit is not vacated on or before May 11, 2026, then starting May 12, 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 12, 2026.
5. The Tenant shall pay to the Landlord \$968.48*. **(Less any payments made by the Tenant after this application was filed on April 27, 2026).** This amount represents the rent owing up to April 30, 2026 and the cost of filing the previous application, less the rent deposit and interest the Landlord owes on the rent deposit.
6. The Tenant shall also pay to the Landlord \$73.97 per day for compensation for the use of the unit starting May 1, 2026 to the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before May 11, 2026, the Tenant will start to owe interest. This will be a simple interest calculated from May 12, 2026 at 4.00% annually on the balance outstanding.

April 30, 2026
Date Issued

Kimberly Parish
Vice Chair, Landlord and Tenant Board

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

The Tenants have until May 10, 2026 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 May 10, 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 13, 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 Calculation**Amount the Tenants must pay the Landlord:**

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to April 30, 2026	\$3,176.00
Less the rent deposit:		-\$2,150.00
Less the interest owing on the rent deposit	January 21, 2025 to April 30, 2026	-\$57.52
Plus daily compensation owing for each day of occupation starting May 1, 2026		\$73.97 (per day)
Total the Tenant must pay the Landlord:		\$968.48 + \$73.97 per day starting May 1, 2026