



**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Aprile v Clarke, 2023 ONLTB 79659

Date: 2023-12-06

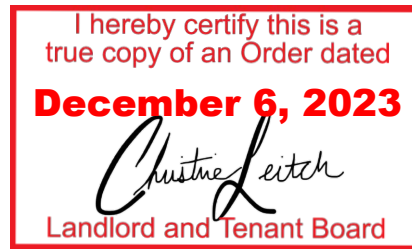
File Number: LTB-L-003075-23

In the matter of: 2212, 188 CUMBERLAND ST
TORONTO ON M5R0B6

Between: Justin Aprile

And

Raymond Clarke



Landlord

Tenant

Justin Aprile (the 'Landlord') applied for an order to terminate the tenancy and evict Raymond Clarke (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes (L1 application).

Justin Aprile (the 'Landlord') also applied for an order to terminate the tenancy and evict Raymond Clarke (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent (L2 application).

This application was scheduled to be heard by videoconference on November 28, 2023.

The Landlord attended with Legal Representative, Berkan Altun.

The Tenant was self-represented and spoke with Tenant Duty Counsel prior to the mediation.

The parties elected to participate in LTB-facilitated mediation with the assistance of Christine Leitch and Angela McLaughlin, Dispute Resolution Officers with the Landlord and Tenant Board.

The parties agree to the following:

1. A final, non-voidable termination of this tenancy based on their agreement to terminate the tenancy January 12, 2024. The application is amended to include an L3 application for termination of the tenancy. As a consequence, the Tenant does not have the option to void the eviction order under subsections 74(4) or 74(11) of the *Residential Tenancies Act, 2006* (the 'Act') by paying the outstanding rent arrears.
2. The current monthly rent is \$2,650.00.
3. The total amount the Tenant owes to the Landlord is \$7,910.00 including arrears of rent (\$12,580.88) and costs (\$186.00) up to November 30, 2023 minus last month's rent deposit (\$4,800.00) and interest on last month's rent deposit (\$56.88).
4. The Tenant paid \$19,568.51 to the Landlord after the application was filed.

5. The Landlord collected a last month's rent deposit of \$4,800.00 on April 1, 2022 and this deposit will be applied to the outstanding arrears.
6. Interest on the last month's rent deposit in the amount of \$56.88 will be applied to the outstanding arrears.

On consent of the parties, it is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated and the Tenant must move out of the rental unit on or before January 12, 2024.
2. The Tenant shall pay the Landlord the total amount owing of \$7,910.00. This amount represents the arrears of rent up to November 30, 2023 (\$12,580.88) plus the application filing fee (\$186.00) minus the last month's rent deposit (\$4,800.00) minus interest on the last month's rent deposit (\$56.88).
3. If the Tenant does not vacate the rental unit on or before January 12, 2024, the Tenant shall also pay to the Landlord \$87.12 per day starting January 13, 2024 until the date the Tenant vacates the rental unit.
4. If the Tenant does not pay the Landlord the full amount owing on or before January 12, 2024, the Tenant will start to owe interest. This will be simple interest calculated from January 13, 2024 at 7.00% annually on the balance outstanding.
5. If the unit is not vacated on or before January 12, 2024, then starting January 13, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 January 13, 2024.

Additional conditions

7. The Tenant shall also pay to the Landlord the following amounts:
 - \$2,650.00 on or before December 4, 2023 for December 2023 rent;
 - \$1,500.00 on or before December 15, 2023 for arrears;
 - \$1,045.44 on or before January 1, 2024 for January 1-12, 2024 rent.
8. If the Tenant fails to make any of the payments under paragraph 2 above in full, the Landlords may collect the entire outstanding balance from the amount set out in paragraph 5 immediately.
9. If the Tenant fails to make any of the payments in accordance with paragraph 7, and by the dates required, then:
 - The Landlord may apply under section 78 of the Act for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of rent and

NSF charges not already ordered under paragraph 5 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 7 of this order. This may result in the Board issuing an order that terminates the tenancy before January 12, 2024.

December 6, 2023
Date Issued



Christine Leitch
Hearings Officer, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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 July 12, 2024 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.