



**Order under Section 69 / 89
Residential Tenancies Act, 2006**

Citation: Finch Main Gardens (West) Limited v Illescas, 2024 ONLTB 554

Date: 2024-01-02

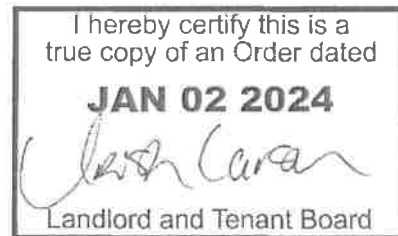
File Number: LTB-L-053734-22

In the matter of: 101, 137 Lindy Lou Road
Toronto Ontario M9M2B5

Between: Finch Main Gardens (West) Limited

And

Elsy Beatriz Illescas



Landlord

Tenant

Finch Main Gardens (West) Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Elsy Beatriz Illescas (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises;
- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex;
- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

Finch Main Gardens (West) Limited (the 'Landlord') also applied for an order requiring Elsy Beatriz Illescas (the 'Tenant') to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was heard by videoconference on December 12, 2023.

The Landlord's Legal Representative, Samuel Korman and the Landlord's Property Manager, Simon Parker attended the hearing.

The Tenant attended the hearing and declined to speak to Tenant Duty Counsel prior to the hearing.

The parties mutually agreed to resolve all matters at issue in this application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

On consent, it is ordered that:

1. The tenancy will continue, and the Tenant will remain in possession of the rental unit subject to the following conditions:
 - a) The Tenant will not allow any dogs to be brought onto the property except for the Tenant's registered dog.
 - b) The Tenant will not allow any vehicle to be parked in visitors parking unless the vehicle is registered with the parking authority company.
 - c) The Tenant agrees to be properly prepared for any pest control treatments that the Landlord will conduct with proper 24 hours notice for the treatment.
 - d) The Tenant will dispose of all garbage in accordance with the rules for disposing garbage.
2. The condition in Paragraph 1(a) will be in place for the duration of the tenancy. The conditions in Paragraph 1(b-d) will be in place for a period of one year from the date of this order.
3. On or before, February 29, 2024, the Tenant shall provide the Landlord with a copy of the registration for the dog.
4. On or before, January 31, 2024, the Tenant shall have the damaged screens in the rental unit repaired.
5. On or before, February 29, 2024, the Tenant shall pay the Landlord the amount of \$1251.39, which is inclusive of the \$201.00 filing fee the Landlord incurred to file this application.
6. If the Tenant fails to comply with the conditions set out in paragraph 1 (a-d) and Paragraph 2-5 above, then within 30 days of the breach, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 1 (a-d) and Paragraph 2-5 of this order.

January 2, 2024
Date Issued



Trish Carson
Member, 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.

Julie Woodward

From: noreply@salesforce.com on behalf of LTB Do Not Reply <ltbdonotreply@ontario.ca>
Sent: Tuesday, January 2, 2024 11:18 AM
To: Julie Woodward
Subject: Your file has been closed / Votre dossier a été fermé



Tribunals Ontar

Landlord and Tenant

PLEASE DO NOT REPLY TO THIS EMAIL. THIS EMAIL ADDRESS IS NOT MONITORED FOR RESPONSES.

Hello;

Your file LTB-L-053734-22 has been closed.

Reason: Order by Hearing Contested. Please log into the Tribunals Ontario Portal for further details.

Depending on the reason the file was closed, an order may have been issued. If an order has been issued, please proceed to the citizen portal to download a copy of your order.

In accordance with a recent Practice Direction between the LTB and the Ministry of the Attorney General Enforcement Offices, the black and white digital certification stamp on your hearing Order will be accepted by your local Sheriff's office.

To open PDF documentation within the portal please ensure you have the latest Adobe Reader software. You can access [this software](#) for free online.

If you have any questions, please contact the LTB by phone at 1-888-332-3234 or view LTB website at <https://tribunalsontario.ca/ltb/contact/>.

Regards,

Customer Service Officer
Landlord and Tenant Board
<https://tribunalsontario.ca/ltb>

Julie Woodward

From: LTB Mailout Orders (MAG) <LTB.MailoutOrders@ontario.ca>
Sent: Tuesday, January 2, 2024 11:20 AM
To: Julie Woodward
Subject: LTB-L-053734-22 Order
Attachments: LTB-L-053734-22.pdf

PLEASE DO NOT REPLY TO THIS EMAIL. THIS EMAIL ADDRESS IS NOT MONITORED FOR RESPONSES.

Good day,

Please find attached the certified Order from your hearing at the Landlord and Tenant Board (LTB).

Please open and carefully read the attachment.

In accordance with a recent Practice Direction between the LTB and the Ministry of the Attorney General Enforcement Offices, the black and white digital certification stamp on your hearing Order will be accepted by your local Sheriff's office.

If you have problems opening the attached Order, please ensure you have the latest Adobe Reader software. You can access this [software](#) for free online.

Please note the LTB's preferred method of communicating is by email. Please check your email account, including your "Junk Email" folder, often to ensure you are receiving communication.

If you have any questions, you may phone 1-888-332-3234.

Joe
Landlord and Tenant Board
1888-332-3234 LTB@ONTARIO.CA



Tribunals Ontario
Tribunaux décisionnels Ontario

Elsy Beatriz Illescas
137 Lindy Lou Road, Unit 101

Outstanding Invoices

<u>Invoice Date</u>	<u>Date of Incident</u>	<u>Time of Incident</u>	<u>Incident</u>	<u>Amount Due</u>
February 3, 2020	January 31, 2020	8:53 PM	Bulk disposal - 3 loveseat couch	\$ 51.75 ✓
August 18, 2020	August 7, 2020	3:05 PM	Bulk disposal - bifold doors/closet sliding doors	\$ 17.25 ✓
	August 15, 2020	4:36 PM	Cost of new Bifold doors/closet sliding doors	\$ 141.89 ✓
October 15, 2020	October 21, 2020	9:00a-12:00p	Bulk disposal - plywood	\$ 17.25 ✓
November 23, 2020	November 20, 2020	4:36 PM	Service Call; Unit not prepared for Pest Control Treatment	\$ 28.25 ✓
December 4, 2020	December 1, 2020	3:48 PM	Bulk disposal - couches and table	\$ 51.75 ✓
	December 2, 2020	3:39 PM	Recycle extra clean (removal & disposal of unbroken down cardboard boxes)	\$ 110.00 ✓
February 23, 2021	February 22, 2021	8:41 PM	Bulk Disposal - recliner seat	\$ 17.25 ✓
February 24, 2021	February 23, 2021	7:16 PM	bulk disposal - bedframe & mattress	\$ 34.50 ✓
March 30, 2021	March 25, 2021	5:52 PM	bulk disposal -dresser	\$ 55.00 ✓
August 16, 2021	August 12, 2021	5:48 AM	bulk disposal - mattress	\$ 17.25 ✓
November 26, 2021	November 24, 2021	8:15PM	Bulk Disposal - carpet	\$ 17.25 ✓
February 10, 2022	February 7, 2022	3:26 PM	Bulk Disposal - broken cabinets	\$ 17.25 ✓
February 28, 2022	February 17, 2022	2:43PM	bulk disposal - mattress & boxspring	\$ 17.25 ✓
March 31, 2022	February 7, 2022	10:09 AM	Replace 2 Broken Window Glass Sliders	\$ 346.50 ✓
September 1, 2022	September 1, 2022	11:18 AM	Replace 3 missing window screens removed by tenant <i>by tenant</i>	\$ 84.75 ✓
September 21, 2022	September 20, 2022	11:15 AM	Bulk disposal - couches	\$ 34.50 ✓
May 2, 2023	April 30, 2023	6:20 PM	bulk disposal - mattress & dresser	\$ 17.25 ✓
July 18, 2023	May 26, 2023	3:02 PM	Damages Lobby Glass Door by Tenant's Guest <i>not on hearing</i>	\$ 258.30 ✓
October 6, 2023	October 5, 2023	1:05 PM	bulk disposal - mattress & dresser	\$ 17.25 ✓

TOTAL

\$ 1,352.44

12/10/22 \$28.25
11/2/23 \$55.00

Approved by Elsy