



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

Citation: Luca Covello and Sandro Covello v Rusan, 2024 ONLTB 10139

Date: 2024-02-08

File Number: LTB-L-093597-23

In the matter of: 894 BRIDGE AVE
WINDSOR ON N9B2M8

Between: Luca Covello and Sandro Covello Landlords

And

Adrian Rusan Tenant

Luca Covello and Sandro Covello (the 'Landlords') applied for an order to terminate the tenancy and evict Adrian Rusan (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the order issued by the Board on March 13, 2023 with respect to application LTB-L-044532-22.

A hearing was held by videoconference on January 30, 2024 to consider this application. The Landlord's representative Kira Passell, and the Tenant, attended the hearing.

Determinations:

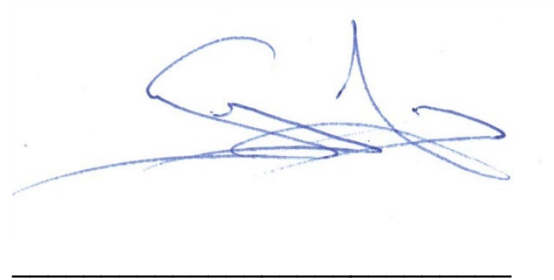
1. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant does not meet certain conditions in the order.
2. The Tenant did not pay November rent until November 9, 2023 and has made no further payments to the Landlord since that date.
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 Landlords are entitled to request an order for the payment of arrears owing.
4. The Tenant was ordered to pay \$8,186.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$3,986.00 and that amount is included in this order. This order replaces order LTB-L-044532-22.
5. The Tenant owes the Landlord \$9,686.00 in arrears and costs to the end of January 2024.

6. The Landlords are entitled to daily compensation from starting January 31, 2024 until the date the Tenant moves out of the unit at a daily rate of \$46.03. This amount is calculated as follows: \$1,400.00 x 12 months, divided by 365 days.
7. The Tenant has been unemployed but testified that he started a new job two weeks ago.
8. The Landlord's representative submits that she had spoken to the Tenant multiple times and in November the Tenant told her that was back at work, would pay off the arrears by the beginning of December 2023, and that he was receiving a bonus in excess of \$10,000.00.
9. The Tenant then testified that he did receive a bonus of \$6,800.00. The Tenant testified that he purchased a Jeep in November and blew much of the bonus at the casino.
10. Considering the fact the Tenant stopped paying any money to the Landlords after November 9, 2023, had conflicting testimony about when he started working than that of his conversation with the Landlord's representative, and lost a large amount of money at the casino instead of paying the Landlords, I find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. Order LTB-L-044532-22 is cancelled and replaced with the following:
2. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before February 19, 2024.
3. If the unit is not vacated on or before February 19, 2024, then starting February 20, 2024, the Landlords 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 February 20, 2024.
5. The Tenant shall pay to the Landlords \$9,686.00.
6. The Tenant shall also pay to the Landlord \$46.03 in daily compensation starting February 1, 2024 until the Tenant vacates the unit.
7. If the Tenant does not pay the full amount owing by February 19, 2024 the Tenant will owe interest. Interest will accrue at the rate of 7% starting February 20, 2024 until the balance is paid in full.

February 8, 2024



Date Issued

Greg Joy
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on August 20, 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.