



## Order under Section 69 Residential Tenancies Act, 2006

Citation: Di Panfilo v Perry, 2022 ONLTB 10769

Date: 2022-11-01

File Numbers: LTB-L-020513-22 and LTB-L-032152-22

In the matter of: 92 POWELL ROAD  
NORTH YORK ON M3K 1N9

Between: Pietro Di Panfilo Landlord

And

Spencer Perry Tenant

Pietro Di Panfilo (the 'Landlord') filed an L1 application for an order to terminate the tenancy and evict Spencer Perry (the 'Tenant') based on a form N4 notice of termination because the Tenant did not pay the rent that the Tenant owes. The Landlord also filed an L2 application with reference to LTB-L-032152-22 for an order to terminate the tenancy and evict the Tenant based on a form N12 notice of termination because the Landlord requires possession of the rental unit for the purpose of residential occupation.

A hearing took place at the Landlord and Tenant Board on October 25, 2022 via video teleconference on VC line 114. The Landlord's Legal Representative Christina Nastas attended with the Landlord. The Tenant attended and was self-represented.

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

The parties consented to the following order.

### On consent, it is ordered that:

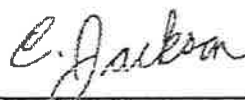
1. The tenancy is terminated as of November 30, 2022. The Tenant shall vacate the unit on or before that date.

If the unit is not vacated on or before November 30, 2022, then starting December 1, 2022, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced. 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 December 1, 2022.

The Tenant shall pay the Landlord \$33.54 per day in compensation for the use of the unit from December 1, 2022 to the date the Tenant vacates the unit.

2. The last month's rent deposit is applied to the period of November 2022.
3. The Tenant owes to the Landlord the total sum of arrears of \$3,060.00 which does not include the application filing fee of \$186.00 because the Landlord agreed to waive this filing fee. This sum represents the arrears owing up to and including October 31, 2022 for a three month period (3 months x \$1,020.00 = \$3,060.00) as agreed upon by the parties for the purpose of settlement.
4. The total sum of arrears of \$3,060.00 noted in paragraph 3 of this order, shall become immediately due and payable on December 1, 2022 and simple interest will begin to accrue at the rate of 4 % per annum on any balance(s) owing pursuant to the Courts of Justice Act.
5. For the L2 application with reference to LTB-L-032152-22, the one month compensation pursuant to s. 48.1 of the *Residential Tenancies Act*, 2006 (the 'RTA') was provided to the Tenant in the form of a credit on the rent ledger for the period of June 2022.
6. This order shall resolve all issues related to both applications, the L1 with reference to LTB-L-020513-22 and the L2 with reference to LTB-L-032152-22 and all matters arising out of the tenancy to today's date of October 25, 2022.

**November 1, 2022**  
Date Issued



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Chris Jackson  
Dispute Resolution 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.

