



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

Citation: Costello Property Inc v James Tolmay, 2023 ONLTB 40959

Date: 2023-06-01

File Number: LTB-L-025448-23

In the matter of: 71B, 39-85 COSTELLO AVE
NEPEAN ON K2H7C3

Between: Costello Property Inc Landlord

And

James Tolmay Tenant

This application was heard by videoconference on May 24, 2023. The Landlord and Tenant attended the hearing.

At the hearing the parties consented to the following order:

It is ordered that:

- 1. Order LTB-L-042400-22 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 June 30, 2023.**
- 3. If the unit is not vacated on or before June 30, 2023, then starting July 01, 2023, 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 June 01, 2023.**
- 5. The Tenant shall pay to the Landlord \$11,156.12 This amount represents the rent owing up to June 30, 2023, 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 \$36.16 per day for compensation for the use of the unit starting July 01, 2023, 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 June 12, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from June 13, 2023, at 6.00% annually on the balance outstanding.

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June 1, 2023
Date Issued

Bryan Delorenzi

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 expires on December 13, 2023, 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.