



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

Citation: D'innocenzo v Fazari, 2023 ONLTB 37465

Date: 2023-05-23

File Number: LTB-L-025135-23

In the matter of: BASEMENT, 66 ONDREY ST
BRADFORD ON L3Z2X1

Between: Barbara Victoria D'innocenzo Landlord

And

April Fazari Tenant

On March 25, 2023, Barbara Victoria D'innocenzo (the 'Landlord') applied for an order to terminate the tenancy and evict April Fazari (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on February 21, 2023, with respect to application LTB- L-033233 - 22.

This application was decided without a hearing being held.

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 condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenant has not met the following condition specified in the order:

The Tenant failed to pay to the Landlord the lawful rent on or before March 1, 2023.

3. The Landlord is entitled to daily compensation from the day after this order is issued to the date the Tenant moves out of the unit at a daily rate of \$32.88. This amount is calculated as follows: \$1,000.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB -L-033233- 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 3, 2023.

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3. If the unit is not vacated on or before June 3, 2023, then starting June 4, 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 4, 2023.
5. The Tenant shall pay to the Landlord \$32.88 per day for compensation for the use of the unit starting May 24, 2023, to the date the Tenant moves out of the unit.
6. If the Tenant does not pay the Landlord the full amount owing on or before June 3, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from June 4, 2023, at 6.00% annually on the balance outstanding.

May 23, 2023

Date Issued

Kimberly Parish

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor, Toronto
ON M7A 2G6

The Tenant has until June 2, 2023, to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the tenant files the motion by June 2, 2023, the order will be stayed, and the LTB will schedule a hearing.

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 4, 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.

