



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

**Citation:** Toronto Community Housing Corporation v Barreda, 2023 ONLTB 36593

**Date:** 2023-05-10

**File Number:** LTB-L-016328-23

**In the matter of:** 316, 71 MERTON ST  
TORONTO ON M4S3A3

**Between:** Toronto Community Housing Corporation Landlord

**And**

Sonia Blanco Barreda Tenant

On March 7, 2023, Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Sonia Blanco Barreda (the 'Tenant') because the Tenant did not meet a condition specified in the mediated settlement signed by the parties on September 6, 2022 with respect to application LTB-L-034313-22.

This application was decided without a hearing being held.

### **Determinations:**

1. The mediated settlement 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 mediated settlement. 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 mediated settlement:
  - **On February 9, 2023, the Landlord's staff performed an inspection of the rental unit and found that the Tenant failed to provide clear pathways to all windows and exits with a minimum clearance of 1 meter. The pathways were not clear of obstructions from floor to ceiling to provide a safe means of egress for emergency responders.**

### **It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 21, 2023.

2. If the unit is not vacated on or before May 21, 2023, then starting May 22, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

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3. 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 May 22, 2023.

**May 10, 2023**

**Date Issued**

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Kimberly Parish

Member, Landlord and Tenant Board

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

The Tenant has until May 20, 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 May 20, 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 November 22, 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.

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