



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

**Citation:** A.G.SECURE PROPERTY MANAGEMENT INC v Garofalo, 2023 ONLTB 36298

**Date:** 2023-05-09 **File Number:**  
LTB-L-011194-23-SA

**In the matter of:** 1015 WESTMOUNT AVE  
INNISFIL ON L9S1T6

**Between:** A.G.SECURE PROPERTY MANAGEMENT Landlord  
INC

**And**

Rosa Garofalo and Stan Spring Tenant

A.G.SECURE PROPERTY MANAGEMENT INC (the 'Landlord') applied for an order to terminate the tenancy and evict Rosa Garofalo and Stan Spring (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on February 1, 2023 with respect to application LTB-L-029504-22.

The Landlord's application was resolved by order LTB-L-011194-23, issued on February 1, 2023. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-011194-23.

The motion was heard by videoconference on May 1, 2023. The Landlord's representative Nicole Fazzari, and the Tenant Stan Springs son Justin Spring, 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 condition(s) in the order. This application was filed within 30 days of the breach.
2. On January 18, 2023, the Tenants consented to an order requiring them to pay the Landlord \$8,965.44 in arrears and costs to the end of January 2023. The Tenants made

the first arrears payment in the amount of \$1,200.00 on February 1, 2023 but have made no payments to the Landlord since that time. The lawful monthly rent is \$1,908.00. As such, the Tenants now owe the Landlord \$15,397.44 in arrears and costs to the end of May 2023.

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3. Mr. Spring testified that there is only \$500.00 available to make any payments to the Landlord at this time.
4. Considering the fact that the Tenants have now accumulated significantly more arrears since they entered into the consent agreement with the Landlord in January 2023, I find it would be unfair to the Landlord to grant the Tenants' motion.
5. Mr. Spring described his father's personal issues at the hearing and based on those submissions, the Landlord's representative agreed to delay the lifting of the stay until the end of May to provide the Tenants more time to relocate. This order reflects these terms.

**It is ordered that:**

1. The motion to set aside Order LTB-L-011194-23, issued on February 1, 2023, is denied.
2. The stay of Order LTB-L-011194-23, is lifted on May 31, 2023.
3. Order LTB-L-011194-23 is unchanged.

**May 9, 2023**  
**Date Issued**

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**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.

