



## Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

**Citation:** Porto Holdings Limited v Theysen, 2023 ONLTB 33930

**Date:** 2023-05-04 **File Number:**  
LTB-L-043378-22-RV

**In the matter of:** 1701, 859 JAMES ST WOODSTOCK  
ON N4S8H6

<b>Between:</b>	Porto Holdings Limited	Landlord
	<b>And</b>	
	Monica Theysen	Tenant

### Review Order

Porto Holdings Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Monica Theysen (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-043378-22 issued on March 16, 2023.

On March 27, 2023, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 28, 2023 interim order LTB-L-043378-22-RV-IN was issued, staying the order issued on March 16, 2023.

The review request was heard by videoconference on April 20, 2023.

The Landlord's Agent Parissi. N, the Landlord's Representative Alistair Trent, and the Tenant attended the hearing.

The parties consented to the following order at the hearing. I am satisfied that both parties understood the terms and consequences of the consent order.

### Determinations:

#### The Review Request

2023 ONLTB 33930 (CanLI)



1. The Tenant alleged that they were not reasonably able to participate in the proceedings and that the order contained a serious error.
2. The Landlord consented to the Tenants' review request.

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3. On the basis of the consent to the review, I granted the Tenant's review request and the hearing *de novo* proceeded.

**It is ordered that:**

1. The Tenant's request for a review of order LTB-L-043378-22 issued on March 16, 2023, is granted.
2. Order LTB-L-043378-22 issued on March 16, 2023 is cancelled and is replaced by the following:
3. Eva Anna Else Norenberg is removed as a Tenant from this application.
4. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
5. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**

\$14,264.88 if the payment is made on or before May 15, 2023.

6. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after May 15, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
7. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before May 15, 2023.**
8. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$12,166.16. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenant.
9. The Landlord shall credit the Tenant for any additional rent payments made and subtract them from the amount owing.



- 10. The Tenant shall also pay the Landlord compensation of \$29.18 per day for the use of the unit starting April 21, 2023 until the date the Tenant moves out of the unit.
- 11. If the Tenant does not pay the Landlord the full amount owing on or before May 15, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 16, 2023 at 6.00% annually on the balance outstanding.
- 12. If the unit is not vacated on or before May 15, 2023, then starting May 16, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
- 13. 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 16, 2023.

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**May 4, 2023**  
**Date Issued**

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Amanda Kovats  
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 November 16, 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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