



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

Citation: Amaz Property Management v Uatanaua, 2023 ONLTB 31169

Date: 2023-04-13

File Number: LTB-L-011946-23

In the matter of: 802, 217 MORNINGSIDE AVE
SCARBOROUGH ON M1E3E4

Between: Amaz Property Management Landlord

And

Monia Uatanaua Tenant

Amaz Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Monia Uatanaua (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on January 24, 2023, with respect to application LTB-L-032383-22.

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 of \$1,771.00 on or before February 1, 2023**
3. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenant to make payments by specific due dates. Accordingly, in

addition to eviction, the Landlord is entitled to request an order for the payment of arrears owing.

4. Since the date of the previous order, the Tenant has failed to pay the full rent that became owing for the period from February 1, 2023, to February 28, 2023.

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It is ordered that:

1. Order LTB-L-032383-22 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 April 24, 2023.
3. If the unit is not vacated on or before April 24, 2023, then starting April 25, 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 April 25, 2023.

April 13, 2023

Date Issued

Kimberly Parish

Member, Landlord and Tenant Board

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

The Tenant has until April 23, 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 April 23, 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 October 25, 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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