



Order under Section 69
Residential Tenancies Act, 2006

Citation: Lopes v Cababaan, 2023 ONLTB 26259

Date: 2023-03-24

File Number: LTB-L-021889-22

In the matter of: 301, 2115 GERRARD ST E Toronto
ON M4E2C2

Between: Celia Lopes Landlord

And

Maria Cababaan Tenant

Celia Lopes (the 'Landlord') applied for an order to terminate the tenancy and evict David Faed and Maria Cababaan (the 'Tenants') because the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was scheduled to be heard by videoconference on March 7, 2023.

The Landlord attended the hearing and was self-represented.

The Tenant, Maria Cababaan, attended the hearing and declined the opportunity to speak with Tenant Duty Counsel prior to the mediation.

Preliminary Issue:

1. The Tenant, David Faed, is deceased as of December 2022 and will be removed as a party to the application.

The parties agree to the following:

1. A final, non-voidable termination of this tenancy based on their agreement to terminate the tenancy March 31, 2023. The application is amended to include an L3 application for termination of the tenancy. As a consequence, the Tenant does not have the option to void the eviction order under

subsections 74(4) or 74(11) of the Residential Tenancies Act, 2006 (the 'Act') by paying the outstanding rent arrears.

2. The monthly rent is \$827.41.
3. The Landlord incurred costs to file the application and is entitled to reimbursement of these costs.

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4. Upon vacating the rental unit, the Tenant will leave ALL keys on the kitchen counter and will leave the rental unit door unlocked.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated effective March 31, 2023. The Tenant must vacate the rental unit on or before March 31, 2023.
2. If the unit is not vacated on or before March 31, 2023, then starting April 1, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
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 April 1, 2023.
4. On or before March 24, 2023, the Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before March 24, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 25, 2023 at 5.00% annually on the balance outstanding.
6. If the Tenant does not vacate the rental unit on or before March 31, 2023, the Tenant shall also pay the Landlord compensation of \$27.20 per day for the use of the unit starting April 1, 2023 until the date the Tenant moves out of the rental unit.

March 24, 2023

Date Issued

Angela McLaughlin

Hearings Officer, 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 of the Tenant expires on October 1, 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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