



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

Citation: Lake Promenade Apartments Limited v Sakal, 2023 ONLTB 26463

Date: 2023-03-20

File Number: LTB-L-000287-23

In the matter of: 708, 21 PARK BLVD
ETOBICOKE ON M8W1G4

Between: Lake Promenade Apartments Limited Landlord

And

Thomas Sakal Tenant

Lake Promenade Apartments Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Thomas Sakal (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on December 15, 2022 with respect to application LTB-L072698-22-RV.

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:
 - On December 9, 2022 at approximately 5:15 am, the Tenant was banging on the walls within the unit and banging on the wall in the bathroom.

It is ordered that:

1. Order LTB-L-072698-22-RV 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 March 31, 2023.
3. If the unit is not vacated on or before March 31, 2023, then starting April 01, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

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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 01, 2023.

March 20, 2023**Date Issued**

Kimberly Parish

Member, Landlord and Tenant Board

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

The Tenant has until March 30, 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 March 30, 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 01, 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.

* Refer to the attached Summary of Calculations.

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