



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

Citation: Toronto Community Housing Corporation v Diaby, 2023 ONLTB 26111

Date: 2023-03-15

File Number: LTB-L-004691-23

In the matter of: 1109, 3847 Lawrence Avenue East
Toronto Ontario M1G1R5

Between: Toronto Community Housing Corporation Landlord

And

Fanta Soureba Diaby and Fode Ibrahima Dansoko Tenants

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Fanta Soureba Diaby and Fode Ibrahima Dansoko (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on December 21, 2021 with respect to application TEL-19303-21.

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 Tenants to terminate the tenancy and evict the Tenants if the Tenants do 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 Tenants failed to pay to the Landlord \$285.00 on or before November 28, 2022, towards arrears of rent.

It is ordered that:

1. Order TEL-19303-21 is cancelled.

2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before March 26, 2023.
3. If the unit is not vacated on or before March 26, 2023, then starting March 27, 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 March 27, 2023.

March 15, 2023

Date Issued

Lynn Mitchell

Member, Landlord and Tenant Board

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

The Tenants have until March 25, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants files the motion by March 25, 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 September 27, 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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