



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

Citation: The Dara Residences v Irazoke, 2023 ONLTB 25534

Date: 2023-03-14 **File Number:**
LTB-L-076778-22-EX

In the matter of: 1308b, 13 HOMEWOOD AVE TORONTO
ON M4Y2J7

Between: The Dara Residences Landlord

And

Fernand Irazoke Tenant

The Dara Residences (the 'Landlord') applied for an order to terminate the tenancy and evict Fernand Irazoke (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on September 14, 2022 with respect to application LTB-L-024635-22.

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 conditions specified in the order:
 - That on December 7, 2022 and December 8, 2022, the Tenant was found to be smoking in his room or anywhere inside the residential complex during the 12 month period which commenced September 14, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before March 25, 2023.

2. If the unit is not vacated on or before March 25, 2023, then starting March 26, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

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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 March 26, 2023.

March 14, 2023

Curtis Begg

Date Issued

Member, Landlord and Tenant Board

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

The Tenant has until March 24, 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 24, 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 26, 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.

