



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

Citation: NACCARATO v SHARON, 2023 ONLTB 14398

Date: 2023-01-12

File Number: LTB-L-053319-22

In the matter of: 2B, 191 DUNN AVENUE NORTH
TORONTO ONTARIO M6K2S1

Between: CARMEN NACCARATO Landlord

And

MATTHEW SHARON Tenant

CARMEN NACCARATO (the 'Landlord') applied for an order to terminate the tenancy and evict MATTHEW SHARON (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on March 23, 2022 with respect to application TSL-24918-21.

This application was heard on January 4, 2023. Only the Landlord attended the hearing.

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. The Tenant failed to make payments required by the order. When the order was issued the Tenant owed the Landlord \$9,864.00. When the Landlord filed the L4 application the Tenant owed the Landlord \$13,144.00.
3. At the time of the hearing the Tenant had made payments and the amount the Tenant owed to the end of December 2022 was \$5,417.39. The Tenant has not paid January rent. The Tenant owes the Landlord \$6,461.39 to the end of January 2023.
4. The tenancy will be terminated by this order. However, the Landlord agreed that should the Tenant make the required payments within the six month period before the order expires, the Landlord will not enforce the order for eviction in order to provide the Tenant with an additional opportunity to preserve the tenancy.

It is ordered that:

1. Order TSL-24918-21 is cancelled and replaced with the following:

2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before January 23, 2023.
3. If the unit is not vacated on or before January 23, 2023, then starting January 24, 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 January 24, 2023.
5. The Tenant shall pay to the Landlord \$5,829.23. This amount represents the rent owing up to January 12, 2023, less the rent deposit and interest the Landlord owes on the rent deposit.
6. The Tenant shall also pay to the Landlord \$34.32 per day for compensation for the use of the unit starting January 13, 2023 to the date the Tenant moves out of the unit.

January 12, 2023

Date Issued

Greg Joy
Member, 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 expires on July 24, 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.

