



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

Citation: Dixon Neighbourhood Homes v Damiano, 2023 ONLTB 14302

Date: 2023-01-12

File Number: LTB-L-069870-22

In the matter of: 105D, 30 Saint Lawrence Street
Toronto Toronto M5A3N1

Between: Dixon Neighbourhood Homes and Phil Nazar Landlord

And

Carmen Damiano Tenant

On October 5, 2022, Dixon Neighbourhood Homes and Phil Nazar (the 'Landlord') applied for an order to terminate the tenancy and evict Carmen Damiano (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the Board on March 30, 2022 with respect to application TSL-25729-21-SA.

This application was decided without a hearing being held.

Determinations:

1. The order provides that the Landlord can apply to the Board 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: **The Tenant failed to use a headset or headphones when other tenants are present in the common areas with the Tenant on the following dates and times including October 1, 2022 from 4:00 pm – 8:00 pm, October 2, 2022 from 7:00 pm and on in the kitchen, and October 3, 2022 from 2:30 pm – 5:30 pm.**

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 January 23, 2023.
2. 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.

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 January 24, 2023.

January 12, 2023
Date Issued

Kimberly Parish
Member, Landlord and Tenant Board

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

The Tenant has until January 22, 2023 to file a motion with the Board to set aside the order under s. 78(9) of the Act. If the tenant files the motion by January 22, 2023 the order will be stayed and the Board 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 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