



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

**Citation:** Toronto Community Housing Corporation v Downey, 2023 ONLTB 14340

**Date:** 2023-01-10

**File Number:** LTB-L-069683-22

**In the matter of:** 1006, 40 Firvalley Court  
Toronto Ontario M1L1P1

**Between:** Toronto Community Housing Corporation Landlord

**And**

Shawn Downey Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Shawn Downey (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on April 28, 2021 with respect to application tel-04702-19.

This application was heard on January 4, 2023. The Landlord's representative Jesse Audette, and the Tenant's representative Gene Filice, attended the hearing.

At the hearing the parties consented to the following order.

Section 78 conditions remain in place for order TEL-04702-19 as well as a breach of the terms that are varied in paragraph 1 below.

### **It is ordered that:**

1. Order TEL-04702-19 is varied to include the following terms:
  - The Tenant their occupant(s) or their guest(s), shall not smoke in the common areas of the residential complex.
  - The Tenant their occupant(s) or their guest(s), shall not improperly discard of cigarette butts in the residential complex, rental unit, and the elevator shaft.
2. Order TEL-04702-19 is cancels paragraph 7 and replaces with the following:
3. The Tenant shall pay to the Landlord \$190.00 as follows:
4. The Tenant shall pay to the Landlord \$20.00 on or before the 1<sup>st</sup> day of each consecutive

month commencing February 2023 and continuing through October 2023.

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5. The Tenant shall pay to the Landlord \$10.00 on or before November 1, 2023.
6. The Landlord has the right to collect the full amount at any time after a missed payment.
7. If the Tenant does not pay the full amount owing after a breach of the payments, the Tenant will owe interest. This will be simple interest calculated at 5% annually on the outstanding balance.

**January 10, 2023**

**Date Issued**

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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.

