



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Ognibene v Machado, 2022 ONLTB 11951

**Date:** 2022-11-14

**File Number:** LTB-L-020774-22

**In the matter of:** , 61 HILLMER RD  
CAMBRIDGE ON N1R6B5

**Between:** Lillo Ognibene Landlord

**And**

Joe Machado, Margaret Machado Tenant

Lillo Ognibene (the 'Landlord') applied for an order to terminate the tenancy and evict Joe Machado, Margaret Machado (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 26, 2022.

The Landlord and the Tenant Joe Machado attended the hearing. The Tenant declined the opportunity to meet with tenant duty counsel.

At the hearing, the parties consented to the following order:

### It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
  - \$3,900.00 if the payment is made on or before November 25, 2022.
3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after November 25, 2022 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before November 25, 2022**
5. The Tenant shall pay the Landlord compensation of \$64.11 per day for the use of the unit starting October 27, 2022 until the date the Tenant moves out of the unit.

6. If the Tenant does not pay the Landlord the full amount owing on or before November 25, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 26, 2022 at 4.00% annually on the balance outstanding.
7. If the unit is not vacated on or before November 25, 2022, then starting November 26, 2022, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 November 26, 2022.

**November 14, 2022**  
**Date Issued**

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Peter Nicholson  
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 May 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.