



AMENDED ORDER
Order under Section 77
Residential Tenancies Act, 2006
And section 21.1 of the Statutory Powers Procedure Act

Citation: CARNALE DAVIS v FAVARA, 2022 ONLTB 11291

Date: 2022-11-07

File Number: LTB-L-060589-22-AM

In the matter of: 320, 2396 MAJOR MACKENZIE DRIVE
VAUGHAN ON L6A3Y7

Between: **GRAZIELLA** CARNALE DAVIS Landlord

And

MARY FAVARA Tenant

The order is amended pursuant to a written request by the Landlord to correct a clerical error in the name of the Landlord. In addition, as the original order issued on October 27, 2022 has been stayed by a motion under s. 77(6) of the *Residential Tenancies Act, 2006* (the "Act"), there is additional language clarifying that the issuance of the amended order in no way impacts the stay currently in place on the original order. These changes have been bolded and underlined for ease of reference. The order is otherwise unchanged.

On June 14, 2022, **GRAZIELLA** CARNALE DAVIS (the 'Landlord') applied for an order to terminate the tenancy and evict MARY FAVARA (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was considered without a hearing being held.

Determinations:

1. The Landlord and Tenant entered into an agreement to terminate the tenancy as of July 2, 2022.
2. Since the application was filed on a no-fault basis, before the termination date, it is not appropriate to require the Tenant to pay the application filing fee as costs.

It is ordered that:

1. The tenancy between the Landlord and Tenant is terminated. The Tenant must move out of the rental unit on or before November 7, 2022.
2. If the unit is not vacated on or before November 7, 2022, then starting November 8, 2022, 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 November 8, 2022.
- 4. **The issuance of this amended order does not impact the stay placed on the original order on October 27, 2022 by the Tenant bringing a motion under s. 77(6) of the Act. For greater clarity, this order is not enforceable until either the stay on order LTB-L-060589-22 issued October 27, 2022 is lifted, or the Board shall order otherwise.**

October 27, 2022

Date Original Order Issued

November 7, 2022

Date Amended Order Issued

 Ian Speers
 Vice Chair, 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.

The tenant has until November 6, 2022 to file a motion with the LTB to set aside the order under s.77(6) of the Act. If the tenant files the motion by November 6, 2022 the order will be stayed and the LTB will schedule a hearing.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on May 8, 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.

2022 ONLTB 11291 (CanLI)