



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Kurtz v Rootenberg, 2024 ONLTB 48240

**Date:** 2024-07-04

**File Number:** LTB-L-080518-23 and LTB-L-031641-24 and LTB-T-007074-24

**In the matter of:** 601, 100 Promenade Cir  
Thornhill ON L4J7W7

**Between:** Paul Kurtz

**And**

Michael Rootenberg

I hereby certify this is a  
true copy of an Order dated

**JUL 04, 2024**

Landlord and Tenant Board

Landlord

Tenant

### LTB-L-080518-23

Paul Kurtz (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Rootenberg (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

### LTB-L-031641-24

The Landlord also applied for an order to terminate the tenancy and evict the Tenant because the Tenant did not pay the rent that the Tenant owes.

### LTB-T-007074-24

The Tenant applied for an order determining that the Landlord collected or retained money illegally.

These applications were heard by videoconference on May 14, 2024.

The Landlord, Landlord's Legal Representative, Nicole Fazzari and the Tenant's Legal Representative, Eric Steiman, attended the hearing.

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

### **The parties agreed:**

1. This consent settles the issues contained in the Tenant Application, LTB-T-007074-24, and the Landlord's Applications, LTB-L-031641-24 and LTB-L-080518-23.

2. The Landlord agrees to waive his right to any claims for damage to the rental unit arising from this tenancy.
3. The parties agree that the Landlord will not conduct any further rental unit inspections unless on an emergency basis.
4. The storage locker is included as part of the rental unit and the Tenant agrees to empty it on or before the termination date of June 9, 2024.

**It is ordered on consent that:**

1. The tenancy between the Landlord and the Tenant is terminated as of June 9, 2024. The Tenant must move out of the rental unit by June 9, 2024.
2. If the unit is not vacated on or before June 9, 2024, then starting June 10, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that 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 June 10, 2024.
4. The Tenant shall pay the Landlord compensation of \$102.63 per day for the use of the unit starting June 1, 2024, until the date the Tenant moves out of the unit.
5. The Tenant shall pay to the Landlord \$4,441.94, which includes the filing fee of \$186.00, on or before July 31, 2024.
6. If the Tenant does not pay the Landlord the full amount owing on or before July 31, 2024, the Tenant will start to owe interest. This will be simple interest calculated from August 1, 2024, at 7.00% annually on the balance outstanding.
7. The hearing that was scheduled for LTB-L-080518-23 on August 28, 2024, is cancelled.

**July 4, 2024**  
**Date Issued**

  
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Nicole Pedron  
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 eviction expired on December 10, 2024, 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.