

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

Citation: Lo mascolo v bari, 2023 ONLTB 67463

Date: 2023-10-11

File Number: LTB-L-064336-23

In the matter of: 175 HULLMAR DR
NORTH YORK ON M3N2E8

Between: Angelo Lo Mascolo Landlord

And

Jozsef Bari Tenants
Virginia Csipkes

Angelo Lo Mascolo (the 'Landlord') applied for an order to terminate the tenancy and evict Jozsef Bari and Virginia Csipkes (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the order issued by the Board on July 26, 2023 with respect to application LTB-L-004165-23.

A hearing was held by videoconference on October 3, 2023 to consider this application.

The Landlord and the Tenant attended the hearing. The Landlord, represented by Reena Sasser, and the Tenants, attended the hearing.

Determinations:

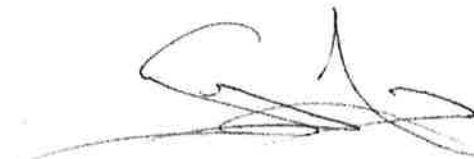
1. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant do not meet certain conditions in the order.
2. At the hearing on July 18, 2023, the Tenants owed the Landlord \$27,951.00 in arrears and costs to the end of July 2023. The Landlord consented to an order that included a repayment plan where the Tenant were to pay the Landlord \$7,000.00 on or before August 15, 2023. The Tenants failed to make the payment and have made no payments since the hearing. The Tenants now owe the Landlord \$36,852.00 in arrears and costs to the end of October 2023.
3. I find the Tenants are in breach of the conditions of the order and under the circumstances relief from eviction is denied.

It is ordered that:

1. Order LTB-L-004165-23 is cancelled and replaced with the following:

2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 22, 2023.
3. If the unit is not vacated on or before October 22, 2023, then starting October 23, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. 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 October 23, 2023.
5. The Tenants shall pay to the Landlord \$31,052.00 representing arrears and costs to the end of September 2023, less the last month rent deposit the Landlord is holding.
6. The Tenants shall also pay to the Landlord \$95.34 commencing October 1, 2023 for each day the Tenants remain in the rental unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before October 22, 2023, the Tenant will start to owe interest. This will be simple interest calculated from October 23, 2023 at 7.00% annually on the balance outstanding.

October 11, 2023



Date Issued

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on April 23, 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.