



SEPT 18, 2024

**Order under Section 69
Residential Tenancies Act, 2006**

Date: 2024-09-18

File Number: LTB-L-040095-24

In the matter of: 525, 8 Trent Avenue
Toronto ON M4C0A6

Between: Elsa Falcone Landlord

And

Shara Spalding Tenant

Elsa Falcone (the 'Landlord') applied for an order to terminate the tenancy and evict Shara Spalding (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was scheduled to be heard by videoconference on September 5, 2024.

The Landlord's Representative, Berkan Altun, and the Tenant were present.

The parties voluntarily participated in a Board facilitated mediation and mutually agreed to resolve all the issues in the application. The parties requested an Order on Consent confirming their agreement. I am satisfied that the parties understood the terms and consequences of their consent as set out in the Order below.

The Parties agree that:


1. The lawful rent is \$1,400.00. It is due on the 1st day of each month.
2. Based on the Monthly rent, the daily rent/compensation is \$46.03. This amount is calculated as follows: \$1,400.00 x 12, divided by 365 days.
3. The rent arrears owing to August 31, 2024, are \$3,850.00.
4. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
5. The Landlord collected a rent deposit of \$1,200.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the last rental period of the tenancy.
6. Interest on the rent deposit, in the amount of \$83.69 is owing to the Tenant for the period from May 16, 2021, to September 5, 2024, is also applied to the last rental period of the tenancy.
7. The Tenant owes \$116.31 to the Landlord as outstanding rent balance for the period of September 2024

8. The Landlord shall refund the key deposit to the Tenant upon return of vacate possession of the rental unit.
9. The Landlord shall issue at least a 24-hour written notice to the Tenant prior to attending the rental unit and the notice must set out; the reason(s) for entry, intended date of entry and time of entry between 8:00am and 8:00pm.
10. This order is a final, non-voidable termination of this tenancy based on the parties agreement to terminate the tenancy. The application is amended to include an L3 application for termination of the tenancy. Therefore, the Tenants do not have the option to void the eviction order under subsections 74(4) or 74(11) of the *Residential Tenancies Act, 2006* (the 'Act') by paying the outstanding rent arrears.

On consent, it is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must vacate the rental unit on or before September 30, 2024.
2. If the unit is not vacated on or before September 30, 2024, then starting October 1, 2024, 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 October 1, 2024.
4. If the Tenant complies with paragraph 1 of this order, the Landlord waives all the arrears in the amount of \$3,966.31 owing by the Tenant up September 30, 2024.
5. If the Tenant does not comply with paragraph 1 of this order, the Tenant shall pay to the Landlord \$3,966.31 for arrears of rent owing to September 30, 2024.
6. The Tenant shall pay the Landlord the cost of \$186.000 for filling the application on or before September 30, 2024.
7. If the Tenant does not pay the Landlord the full amounts owing in paragraph 5 -6 of this order on or before September 30, 2024, the Tenant will start to owe interest. This will be simple interest calculated from October 1, 2024 at 7.00% annually on the balance outstanding.

September 18, 2024
Date Issued



Eno Ubia
Hearings Officer, 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 1, 2025 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.