



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

**File Number:** LTB-L-018828-26

**In the matter of:** 104 ONTARIO ST  
BURKS FALLS ON P0A1C0

**Between:** Rocco A Mortelliti Landlord

**And**

Jamie Charity Kitaresku Tenants  
Brett Anthony Monaghan

Rocco A Mortelliti (the 'Landlord') applied for an order to terminate the tenancy and evict Jamie Charity Kitaresku and Brett Anthony Monaghan (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was scheduled to be heard by videoconference on May 12, 2026.

The Landlord's Agent, Rocco A. Mortelliti, and the Landlord's Representative, Kelly Draycott, attended. The Tenant, Jamie Charity Kitaresku, was present

The parties mutually agreed to resolve all the issues in the application and 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:  $\$1,400.00 \times 12$ , divided by 365 days.
3. The rent arrears owing to May 31, 2026, are \$20,850.00.
4. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
5. There is no last month's rent deposit.
6. 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.

**It is ordered on consent that:**

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must vacate the rental unit on or before May 31, 2026.
2. If the unit is not vacated on or before May 31, 2026, then starting June 1, 2026, 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 June 1, 2026.
4. The Tenants shall pay to the Landlord \$21,036.00. This amount includes rent arrears owing to May 31, 2026, and the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing in paragraph 4 of this order on or before May 31, 2026, the Tenants will start to owe interest. This will be simple interest calculated from June 1, 2026, at 4.00% annually on the balance outstanding.

**May 28, 2026**  
**Date Issued**

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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 December 1, 2026 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.