

Order under Section 69
Residential Tenancies Act, 2006

File Number: TEL-95313-18

In the matter of: C, 90 MOIRA STREET W
BELLEVILLE ON K8P1S5

Between: Ken Horricks

Landlord

and

Mark Westfall

Tenant

I hereby certify this is a true copy of the Order
(Name of Document)

(Signature of Staff Member) (Nahil Zaver)

NOV 13 2018

LANDLORD AND TENANT BOARD

Ken Horricks (the 'Landlord') applied for an order to terminate the tenancy and evict Mark Westfall (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard in Belleville on November 8, 2018.

Only the Landlord attended the hearing.

Determinations:

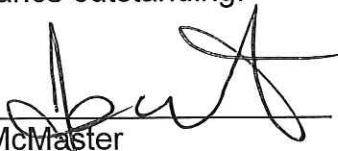
1. The Landlord served the Tenant with an N5 notice on September 19, 2018 for the condition of the backyard.
2. The Landlord provided pictures at the hearing that clearly shows the rear yard is a mess and covered with garbage everywhere.
3. The backyard is not for the storage purposes of the Tenant.
4. The other tenants in the building also do not have safe entry into the backyard.
5. This conduct has substantially interfered with the Landlord's and the other tenants' reasonable enjoyment of the residential complex.
6. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the condition(s) set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

It is ordered that:

1. The Tenant will fully clean the rear yard to the satisfaction of the Landlord on or before November 25, 2018.
2. Failure to do as directed in paragraph # 1 will allow the Landlord to apply to the board under Section 78 of the *Residential Tenancies Act (2006)*, without notice to the Tenant, for an order terminating the tenancy and evicting the Tenant. The Landlord must make this application no later than 30 days after the Tenant's breach of paragraph #1.
3. The Tenant shall also pay to the Landlord \$175.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing on or before November 24, 2018, the Tenant will start to owe interest. This will be simple interest calculated from November 25, 2018 at 3.00% annually on the balance outstanding.

November 13, 2018

Date Issued



Jim McMaster
Member, Landlord and Tenant Board

Toronto East-RO
2275 Midland Avenue, Unit 2
Toronto ON M1P3E7

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

