



**Order under Section 69 / 88.1
Residential Tenancies Act, 2006**

Citation: Van Iersel Properties Inc. v Pope, 2024 ONLTB 10260

Date: 2024-02-12

File Number: LTB-L-011161-23

In the matter of: 4, 24 QUEEN ST W
CAMBRIDGE ON N3C1G1

Between: Van Iersel Properties Inc.

And

Andrew Pope

I hereby certify this is a
true copy of an Order dated
FEB 12, 2024
Landlord and Tenant Board

Landlord

Tenant

Van Iersel Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Pope (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.

Van Iersel Properties Inc. (the 'Landlord') also applied for an order requiring Andrew Pope (the 'Tenant') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenant's conduct or that of another occupant of the rental unit or someone the Tenant permitted in the residential complex. This conduct substantially interfered with the Landlord's reasonable enjoyment of the residential complex or another lawful right, privilege or interest.

This application was mediated by videoconference on January 31, 2024.

The Landlord was represented by Corry Van Iersel, Landlord's Agent. The Tenant attended and was represented by Veronica Jimenez Munoz, Tenant's Legal Representative. Bill Cook, Tenant's Support also was in attendance.

Agreed Upon Information:

1. If there is a complaint made against the Tenant regarding smoking as it relates to this order, the Landlord agrees to investigate prior to filing under section 78 with the Board.

It is ordered on consent that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. For a 12-month period, commencing January 31, 2024 to January 30, 2025 inclusive, the Tenant shall not engage in conduct similar to that clearly outlined in the Form N5s served

on December 1, 2022 and January 30, 2023. To be clear, the Tenant shall:

- a) Refrain from smoking inside the rental unit, and/or in the common areas of the residential complex, and/or 9-feet from any entrance, exit or window.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.
4. The Tenant shall pay to the Landlord \$93.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before February 15, 2024, the Tenant will start to owe interest. This will be simple interest calculated from February 16, 2024 at 7.00% annually on the balance outstanding.



February 12, 2024

Date Issued

Kelly Aarts

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.