



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

**Citation:** Saunders v Morrison, 2023 ONLTB 16337

**Date:** 2023-01-26

**File Number:** LTB-L-082039-22

**In the matter of:** Upper, 737 4TH AVE E  
OWEN SOUND ON N4K2N5

**Between:** Sabrina Saunders Landlord

**And**

Melissa Morrison Tenant

On December 29, 2022, Sabrina Saunders (the 'Landlord') applied for an order to terminate the tenancy and evict Melissa Morrison (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on December 12, 2022 with respect to application LTB-L000221-21.

This application was decided without a hearing being held.

**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 does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenant has not met the following conditions specified in the order:

For a period of twelve months from the date of this order, the Tenant, occupants, and/or any person the Tenant permits in the residential complex, shall keep the noise level down to a level that shall not substantially interfere with the Landlord's or another tenant's reasonable enjoyment. This noise includes but is not limited to yelling, screaming profanities, breaking items, and slamming doors.

3. The Landlord's evidence is that, on December 28, 2022 at 2:15 pm, the Tenant was screaming, yelling profanities, and loudly banging the doors in her doors, substantially interfering with another tenant's reasonable enjoyment of the residential complex, and breaching the terms of the previous order.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before February 06, 2023.

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2. If the unit is not vacated on or before February 06, 2023, then starting February 07, 2023, 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 February 07, 2023.

**January 26, 2023**  
**Date Issued**

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Ian Speers  
Associate Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor,  
Toronto ON M7A 2G6

The Tenant has until February 05, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the tenant files the motion by February 05, 2023 the order will be stayed and the LTB will schedule a hearing.

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 August 07, 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.

