



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

Citation: Williams & McDaniel Property Management v Ross, 2023 ONLTB 23319

Date: 2023-03-03

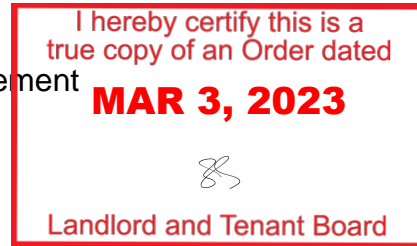
File Number: LTB-L-064140-22

In the matter of: 422, 125 RAYMOND ST
GUELPH ON N1H3S6

Between: Williams & McDaniel Property Management

And

Eleanor Ross



Landlord

Tenant

Williams & McDaniel Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Eleanor Ross (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

This application was heard by videoconference on February 23, 2023.

The Landlord's Agent Amanda Parsons and the Landlord's Legal Representative Tim Kelly and the Tenant Eleanor Ross attended the hearing.

The parties before the Board requested an order on consent requiring the Tenant to remove her dog from the rental unit and residential complex on a permanent basis. I was not prepared to issue such an order as I found ordering the Tenant to rid herself of a pet would be contrary to section 14 of the *Residential Tenancies Act, 2006* (the Act) as it would prohibit the presence of an animal.

The parties before the Board then requested the following order. I was satisfied the parties understood the consequences of the joint position.

On consent of the parties, it is ordered that:

1. The Tenant shall not permit or allow her dog to be outside the confines of the rental unit at the residential complex unless it is securely leashed and muzzled at all times.
2. For greater clarity, the requirement for the Tenant's dog to be securely leashed and muzzled any time it is outside the rental unit applies not only to the Tenant but any other person handling the Tenant's dog at the residential complex. This includes the Tenant's guests and occupants of the rental unit and their guests.
3. If the Tenant fails to comply with the conditions set out in paragraph 1 or 2 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 \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the full amount owing on or before April 1, 2023, they will start to owe interest. This will be simple interest calculated from April 2, 2023 at 5.00% annually on the balance outstanding.



John Cashmore
Member, Landlord and Tenant Board

March 3, 2023
Date Issued

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.