



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-45671-20

In the matter of: 2, 349 SANDYS STREET
CHATHAM ON N7L3X8

Between: Grace Labuda Landlord

and

Paige Jones Tenant

Grace Labuda (the 'Landlord') applied for an order to terminate the tenancy and evict Paige Jones (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes, and 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.

This application was heard by video conference on June 7, 2021.

The Landlord and the Tenant attended the hearing. The Tenant spoke with Duty Counsel prior to the hearing.

Determinations:

1. The Tenant has paid the total rent the Tenant was required to pay for the period from April 1, 2020 to June 30, 2021. The Tenant owes the Landlord \$201.00 for the cost of filing the applications.
2. The Landlord and the Tenant agreed to resolve the issue of the filing fee between them.
3. The Landlord claims that on August 6, 2020, upon entry into the Tenant's rental unit for an inspection, the Landlord observed that the unit was unkempt and that there was an accumulation of spilled liquids within the unit.
4. On August 27, 2020 the Tenant refused to permit the Landlord's agent entry into the rental unit for the purpose of performing pest control treatment. The Landlord states that the Tenant's unit was unprepared for the technician.
5. The Tenant claims that the Landlord has failed to control the pest infestation in the unit. She denies that she has not prepared the unit for the technicians. She testified that she

has complied with numerous entries by the Landlord or the Landlord’s agent, except for May 13, 2020 and July 19, 2020 when she was concerned about Covid-19 restrictions. She stated that she has allowed the Landlord entry into the unit since then.

- 6. The Tenant is a single mother with two small children. Her current source of income as of the hearing date was Employment Insurance.
- 7. While there are discrepancies in some of the evidence, I am satisfied on the balance of probabilities that the Landlord has established that the Tenant’s conduct has substantially interfered with Landlord’s and other tenants reasonable enjoyment of the residential premises, and with the rights of the Landlord.
- 8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the unopposed evidence of the Tenant and the time that has already passed since the hearing, I 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. These conditions should not be onerous on the Tenant and they are minimally prejudicial to the Landlord, if at all.

2022 CanLII 51389 (ON LTB)

It is ordered that:

- 1. For a period of 9 months, from January 1, 2022 until August 31, 2022, the Tenant shall maintain the rental unit in a reasonable state of ordinary cleanliness and ensure that there is a clear path of egress at all times throughout the unit.
- 2. Commencing on January 1, 2022, and once per month thereafter for a period of 9 months, from January 1, 2022 until August 31, 2022, the Tenant shall permit the Landlord entry into the rental unit, after being provided with the proper written Notice of Entry.
- 3. If the Tenant does not comply with paragraphs 1 and 2, above, the Landlord may file an application under s.78 of the *Residential Tenancies Act, 2006* for a termination of the tenancy and eviction of the Tenant, without notice to the Tenant, and shall do so within 30 days of the breach of any of the conditions.

January 10, 2022
Date Issued

Elle Venhola
Elle Venhola
Member, Landlord and Tenant Board

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