



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-18309-20

In the matter of: 301, 705 WELLAND AVENUE
ST. CATHARINES ON L2M7X4

Between: Central Gospel Community Homes C/o Shabri
Properties Limited

Landlord

and

Courteney Riley

Tenant

Central Gospel Community Homes C/o Shabri Properties Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Courteney Riley (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. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by teleconference on July 7, 2021.

Only the Landlord's representative L. Thompson and the Landlord's legal representative J. Callendar attended the hearing. Clement Johnson (CJ) testified on behalf of the Landlord.

Determinations:

1. CJ is the building superintendent. CJ lives in the building. CJ testified that on September 27, 2020 the Tenant banged aggressively on his door. CJ's spouse told the Tenant that CJ was off that day and the Tenant could contact the assistant superintendent or call the Landlord's emergency line. The door opened (either CJ's daughter had opened it or the Tenant did). CJ's daughter tried to close the door but the Tenant put her foot in the way. CJ and his daughter then pushed on the Tenant's foot and on the door to try to close it. They were able to move the Tenant's foot but it took a great deal of effort to push the door closed because of the force the Tenant was exerting on the door to keep it open. CJ and his daughter were eventually able to close the door. CJ's shoulder was injured in the incident.
2. The Landlord seeks eviction on the ground of serious impairment of safety. CJ's injury was caused by his pushing the door closed. He did not have to do so. Presumably if he decided not to push on the door the Tenant would have gained entry into CJ's unit. At that point he or a member of his family could call police to have the Tenant removed if

she did not leave voluntarily. Any concerns about what the Tenant may have done if she had gained entry are speculative and cannot be considered serious impairment of safety.

3. As CJ's injury was caused by his own actions I cannot find that because he was injured the Tenant seriously impaired his safety. The Tenant's actions in pushing on the door to open it and gain entry are also not serious impairment of safety. Her actions would likely constitute a serious attempt to breach CJ's privacy but this is not the same as an impairment of safety.
4. For the reasons above, I cannot find that the Tenant seriously impaired the safety of a person as alleged by the Landlord.
5. Accordingly, the Landlord's application shall be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.



November 2, 2021
Date Issued

Renée Lang
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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