



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

File Number: SWL-53380-21

In the matter of: 707, 680 AYLMER AVENUE
WINDSOR ON N9A1V1

Between: Glengarry Nonprofit Housing Corp Landlord

and

Carter Bondy Tenant

Glengarry Nonprofit Housing Corp (the 'Landlord') applied for an order to terminate the tenancy and evict Carter Bondy (the 'Tenant') and for an order to have the Tenant pay the rent the Tenant owes because the Tenant failed to meet a condition specified in the order issued by the Board on May 20, 2021 with respect to application SWL-38469-19.

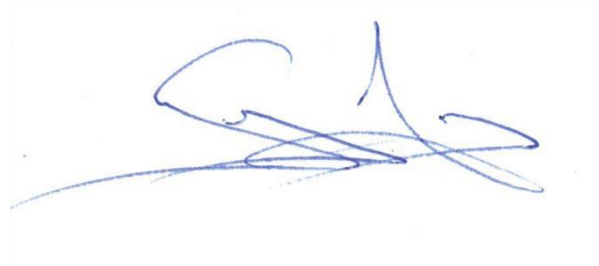
This application was heard in Passcode: 910 9539 0063# on October 20, 2021. The Landlord's representative Tim Curry, and the Tenant, represented by Justin Levesque, attended the hearing. The Landlord's Property Manager Donna Horn attended as witness for the Landlord.

Determinations:

1. On May 17, 2021 the parties entered into a agreement where the Tenant would arrange for a deep cleaning of the rental unit and maintain the unit so it does not impact the reasonable enjoyment of the Landlord and/or other tenants in the residential complex. Testimony shows that the deep cleaning took place.
2. The Tenant's social worker visits the rental unit weekly and has been involved in joint inspections with the Landlord. There was no evidence from the social worker that the Tenant is in violation of the terms of order SWL-38469-19 issued on May 20, 2021.
3. Ms. Horn testified that she had a complaint about smell from the unit on July 20, 2021. The social worker visited the unit on July 21, 2021. Ms. Horn also testified that she has received other complaints about smell from the unit but did not check the unit. Specifically, there was a complaint on August 11, and again recently in October.
4. Considering the fact the order was issued on May 20th, the first complaint was on July 20th and the next on August 11th, the social worker visits the unit every week, and the fact the Landlord did not follow up to investigate the complaints, I find there is insufficient evidence to determine the Tenant is in violation of order SWL-38469-19 and that the tenancy should be terminated.

It is ordered that:

1. The Landlord's application under section 78 of the Act is dismissed.
2. Order SWL-38469-19, issued on May 20, 2021 remains in effect.



Greg Joy
Member, Landlord and Tenant Board

October 21, 2021
Date Issued

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.