



Order under Section 16.1 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Stewart v St. Pierre 2023 ONLTB 79297

Date: 2023-12-08

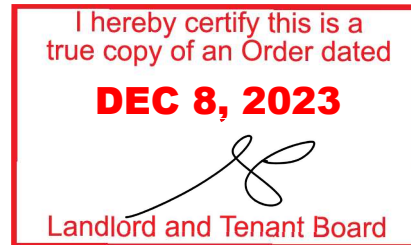
File Number: LTB-L-015130-23-IN

In the matter of: MAIN, 28 1/2 DIVISION ST
ST CATHARINES ON L2R3G2

Between: Kadiann Stewart

And

Dustin St. Pierre
Chloe Ernest



Landlord

Tenants

INTERIM ORDER

Kadiann Stewart (the 'Landlord') applied for an order to terminate the tenancy and evict Dustin St. Pierre and Chloe Ernest (the 'Tenants') because:

- the Tenants, 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; and
- the Tenants have been persistently late in paying the Tenants' rent.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

The Landlord also applied for an order requiring the Tenants to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenants' failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on November 27, 2023. The Landlord, the Landlord's Legal Representative, Sidney Sheridan, the Tenants, and the Tenants' Legal Representative, Tamara Pruyn, attended the hearing.

Determinations:

1. The time allotted for the hearing had expired with insufficient time to complete a contested hearing. The matter was adjourned, subject to the conditions set out in the order below.

It is ordered that:

1. The hearing is adjourned to a date to be scheduled on an expedited basis by the Board, to be indicated on a new notice of hearing.
2. The Landlord and the Tenants shall be permitted to rely on any audio or video evidence previously submitted to the Board between July 4, 2023 to November 20, 2023.
3. The Tenants shall not substantially interfere with another tenant or the Landlord by causing disturbances as alleged in the N5 notice of termination. This includes but is not limited to screaming, yelling, fighting, banging, and verbally berating each other or another tenant.
4. If the Tenants fail to comply with paragraph 3 above, the Board may refuse to consider the Tenants' evidence and submissions.
5. The Landlord may provide to the Tenants and file with the Board, at least seven (7) days prior to the hearing, any evidence that pertains only to any ongoing substantial interference allegations after November 27, 2023.
6. The Tenants may provide to the Landlord and file with the Board, at least five (5) days prior to the hearing, any reply evidence that pertains only to any ongoing substantial interference allegations after November 27, 2023.

December 8, 2023
Date Issued



Susan Priest
Member, Landlord and Tenant Board

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.