



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-49929-21

In the matter of: 510, 241 SIMCOE STREET
LONDON ON N6B3L4

Between: London & Middlesex Community Housing Landlord

and

Edward Betterley Tenant

London & Middlesex Community Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Edward Betterley (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 video/teleconference on May 4, 2021.

The Landlord's representative, Candace Aboussafy, and the Tenant attended the hearing. The Tenant declined the opportunity to consult with Tenant Duty Counsel before the hearing. Fire inspector James Hind (JH), and Amanda David (AD), the Landlord's tenant services manager, testified on behalf of the Landlord .

Determinations:

1. On March 10, 2021 the Landlord served the Tenant a Notice of Termination, Form N7, because the Tenant stored an excessive amount of combustibles in the rental unit. According to the Landlord, this seriously impaired the safety of the Tenant, other residents, staff and emergency personnel.
2. The Landlord's witnesses testified with respect to the allegations detailed on the N7 Notice of Termination. The fire inspector JH testified that on February 24, 2021 the Landlord and the fire inspector attended at the Tenant's rental unit. The Tenant was barely able to open the door due to the excessive clutter stored in the rental unit. On March 2, 2021 the Landlord and the fire inspector attended at the rental unit again and found that the rental unit continued to be in extremely cluttered condition. On March 2, 2021, the Fire Department issued an order directing the Tenant to bring the unit into compliance with the Fire Code within 15 days.

3. The Fire inspector further testified that the problems with the extreme clutter in the Tenant's unit date back to 2018. The Tenant's collection of items in the rental unit increases the risk of fire and puts everyone at risk, including first responders.
4. The Tenant was issued a Fire Code order on March 2, 2021. The Tenant had 15 days to comply with order, rather than 30 days order because of his repeated transgressions of the Fire Code. The fire inspector met with the Tenant several times in order to direct the Tenant as to what needed to be done to remedy the situation and comply with the Fire Code. The Tenant was offered supports; however, the Tenant declined the offered assistance.
5. The testimony of the fire inspector was corroborated by the Tenant services manager AD.
6. By keeping an excessive amount of combustibles in his rental unit, the Tenant seriously impaired the safety of other persons and this act or omission occurred in the residential complex.
7. The Landlord submitted that they have been before the Board several times with respect to this issue. The Tenant's pattern of conduct is such that the Tenant complies while an agreement or a Board order is in place; however, after the agreement or order is no longer in place, the Tenant reverts to collecting an excessive amount of items in the rental unit.
8. The Tenant testified that he had now for the most part cleaned up the unit in accordance with Fire Code order.
9. The Tenant submitted that he has been dealing with health issues which have been exacerbated by the current pandemic. He is willing to accept help and bring his unit into compliance with the Fire Code order.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the Landlord's circumstances, the Tenant's repeated transgressions of the Fire Code and the effect of the current pandemic on the Tenant, and 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 in order to give the Tenant one more chance to save his tenancy.

It is ordered that:

1. On or before June 30, 2021 the Tenant shall be in full compliance with the Fire Code Order issued on March 2, 2021.
2. If the Tenant complies with paragraph 1 above, the Tenant shall maintain the rental unit in a state of ordinary cleanliness for a further one-year period starting on July 1, 2021.

3. The Landlord may inspect the rental unit after June 30, 2021, to determine if the Tenant has complied with the Fire Code order. The Landlord shall first serve a notice of entry pursuant to the Act.
4. The Landlord may also perform reasonable inspections of the rental unit to determine whether the Tenant is maintaining the rental unit in a reasonable state of cleanliness and is complying with the Fire Code. The Landlord shall first serve a notice of entry pursuant to the Act.
5. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. If the Tenant does not pay the Landlord the full amount owing on or before June 30, 2021, the Tenant will start to owe interest. This will be simple interest calculated from July 1, 2021 at 2.00% annually on the balance outstanding.



June 3, 2021
Date Issued

Jana Rozehnal
Member, Landlord and Tenant Board

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