



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

Citation: EIWO Canadian Management Ltd. v Liddycoat, 2024 ONLTB 13937

Date: 2024-02-22

File Number: LTB-L-000417-24

In the matter of: 303, 2705 KING ST E
HAMILTON ON L8K1Y4

Between: EIWO Canadian Management Ltd. Landlord

And

Sean Liddycoat Tenant

EIWO Canadian Management Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Sean Liddycoat (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on December 15, 2023 with respect to application LTB-L006007-22.

A hearing was held by videoconference on February 15, 2024 to consider this application. The Landlord's representative Patty Duwyn, and the Tenant, attended the hearing. Also in attendance as witnesses for the Landlord were Teresa Tucci, a neighbour who lives across the hall, and Carla Oliveira, the Landlord's superintendent.

Determinations:

1. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant does not meet certain conditions in the order.
2. At a hearing on December 15, 2023, the Tenant consented to an order where he would refrain from yelling, screaming, banging and stomping. At this hearing the Tenant acknowledged he breached the conditions of the order but blamed the behaviour on mixing alcohol with his medications. The Tenant testified that since Christmas and New Year's he has not consumed alcohol and will not repeat the behaviour.

3. The Landlord's representative points to incidents that were reported on January 5 and January 6, 2024.
4. Ms. Tucci testified that the behaviour is ongoing and scary. The Tenant repeatedly threatens to kill someone.
5. Ms. Oliveira testified that the behaviour is constant, that the Tenant has promised to stop drinking on several occasions, that the Tenant threatens other tenant, and that the police are constantly on site to deal with the Tenant at all hours of the day and night.
6. The Landlord submitted videos showing the yelling coming from the Tenant's unit.
7. The application was filed within 30 days of the breach.
8. The Tenant's behaviour is consistent and has continued throughout the tenancy. The consent was entered into on December 15, 2023, and in less than two weeks the Tenant breached the conditions. The Tenant's own testimony that he stopped the behaviour after New Year's when he stopped drinking is challenged by the reports of incidents on January 5th and 6th. The Tenant has promised to stop this behaviour on multiple occasions, yet the behaviour continues. I find the likelihood that the Tenant will stop this behaviour to be low. This behaviour is substantially interfering with the reasonable enjoyment of other tenants.
9. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. Order LTB-L-006007-22 is cancelled and replaced with the following:
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before March 4, 2024.
3. If the unit is not vacated on or before March 4, 2024, then starting March 5, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after March 5, 2024.

February 22, 2024

Date Issued

Greg Joy

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on September 5, 2024 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

