



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

**Citation:** Stoney Creek Community Homes Inc. v Dolezalova, 2023 ONLTB 58523

**Date:** 2023-08-31

**File Number:** LTB-L-063767-23

**In the matter of:** 37, 34 MISTYWOOD DR  
STONEY CREEK ON L8J2P8

**Between:** Stoney Creek Community Homes Inc. Landlord

**And**

Blanka Dolezalova Tenant

Stoney Creek Community Homes Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Blanka Dolezalova (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on July 26, 2022 with respect to application SOL-15825-20.

This application was decided without a hearing being held.

**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 condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenant, the Tenant's guest or occupants have not met the following conditions specified in the order:
  - a) The Tenant's guests failed to respect the neighbours' reasonable enjoyment of the residential complex, nor have contact with individuals who live, or who visit, units 36 and 38;
    - On July 17, 2023 at around 1:13 pm and on August 2, 2023 at approximately 2:50 pm, the Tenant's guests parked on the road, blocking the driveway of unit 36. The road is a fire route and has signs indicating this. When one of the occupants of unit 36 requested the Tenant's guest move their vehicle, the Tenant's guest used profanities towards the occupant;
    - On July 19, 2023, the Tenant and the Tenant's guests allowed their dogs to run off leash and defecate on other tenant's lawns. The Tenant in unit 26 had to clean up after the dogs on two occasions; and

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- On August 5, 2023 at approximately 6:45 pm, the Tenant followed another tenant into their garage and was asked to leave by the tenant. The Tenant threatened to punch the other tenant and the police were called; and
- b) The Tenant, her guests, or occupants failed to keep the yard free of clutter.
- Based on a complaint received from the Tenant in unit 38 on July 19, 2023, the Landlord sent a letter on July 26, 2023 to the Tenant which requests the Tenant remove the broken gazebo in her yard which was hanging over the fence to unit 38; and
  - On August 11, 2023, at approximately 11:39 am, the Tenant was storing wooden boards against the fence next to unit 38. The property manager called the Tenant at approximately 3:40 pm and requested that the Tenant remove the wooden boards. At approximately 7:00 pm, the tenant in unit 38 requested the Tenant remove the boards and the Tenant used profanities towards the other tenant.
- c) The Tenant, her guests, or occupants used the side of the driveway of unit 38:
- On August 13, 2023 at approximately 5:00 pm, the Tenant's guest was using the middle of the driveway to come and go with their motorcycle which caused the Tenant in unit 38 to park almost on the grass to avoid damage to her vehicle.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before September 11, 2023.
2. If the unit is not vacated on or before September 11, 2023, then starting September 12, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 September 12, 2023.

**August 31, 2023**  
**Date Issued**

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Kimberly Parish  
Member, Landlord and Tenants Board

15 Grosvenor Street, Ground Floor,  
Toronto ON M7A 2G6

The Tenant has until September 10, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the tenant files the motion by September 10, 2023 the order will be stayed and the LTB will schedule a hearing.

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 expires on March 12, 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.