



**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Hoang Enterprise Inc. v Hyde, 2023 ONLTB 53991

Date: 2023-08-02

File Number: LTB-L-015196-23

In the matter of: 5, 169 Albion Street
Brantford ON N3T3N1

Between: Quyen Hoang
Hoang Enterprise Inc. Landlords

And

Karen Hyde Tenant

Quyen Hoang and Hoang Enterprise Inc. (the 'Landlords') applied for an order to terminate the tenancy and evict Karen Hyde (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 and the act or omission occurred in the residential complex.

This application was heard by videoconference on July 24, 2023.

Only the Landlord Quyen Hoang attended the hearing.

As of 10:22 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. Since the Tenant did not attend and the Landlords were prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

Determinations:

1. As explained below, the Landlords have proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy is terminated effective August 7, 2023.

Preliminary Issue

2. I pointed out to the Landlord the Certificate of Service filed with the application did not indicate the method of service used when the N7 notice of termination was served on the Tenant. The Landlords called Phuong Khong to testify. Ms. Khong is the person that completed the Certificate of Service.

3. Ms. Khong testified that on January 28, 2023, she personally served the Tenant with the N7 notice of termination. Based on the Ms. Khong's evidence I was satisfied the N7 notice was served on the Tenant on January 28, 2023.

L2 Application

4. The Tenant was in possession of the rental unit on the date the application was filed.
5. On January 28, 2023, the Landlords served the Tenant an N7 notice of termination. The termination date in the notice is February 10, 2023. The notice of termination contains the following allegations:
 - a) On January 27, 2023 at 1:30 p.m. Southwest Fire was contacted to inspect a malfunction with the building's fire alarm system. The inspector found the alarm in apartment #5 had its wires cut off and the alarm unit was removed. The Southwest Fire inspector informed the Landlord this posed a serious risk and is a violation of the fire code.
6. The Landlord, Mr. Hoang, testified that on January 26, 2023, the fire alarm system at the residential complex was showing error codes. The residential complex is a three-floor building containing 18 rental units.
7. The Landlords' evidence was on January 27, 2023, the fire alarm system was inspected by Southwest Fire to determine the cause of the errors. The Landlord testified the inspector isolated the problem to unit #5, which is the rental unit where the Tenant resides.
8. The Landlords submitted an invoice from Southwestern Fire Protection Inc. The invoice is for the inspection and repair of the fire alarm system conducted on January 27, 2023. It states, "found tenant had removed and damaged wiring and mini horn device".
9. The Landlords' evidence was the entire fire alarm system for the building was affected by the Tenant's actions.
10. Based on the uncontested evidence of the Landlords, I am satisfied on a balance of probabilities the Tenant has seriously impaired the safety of themselves or another person and the act or omission occurred in the residential complex. Fire detection in a building that contains 18 separate residences is a vital safety measure. By rendering the fire alarm system inoperable, the Tenant clearly put themselves and other residents of the residential complex at serious risk in the event of a fire.
11. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Section 83 Considerations

12. The Landlord, Mr. Hoang, testified that since the N7 notice of termination was served the Tenant again tampered with the building's electrical system in April of 2023. The Tenant tampered with the toilet in the rental unit causing it to continuously use water and flood the unit. Mr. Hoang testified that two weeks before the hearing, the Tenant had broken five windows at the residential complex.

13. The Landlords sought termination of the tenancy as soon as possible based on the Tenant's ongoing behaviour and his concern for other residents at the residential complex.
14. 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. I asked the Landlord if they were aware of any circumstances the Tenant might be experiencing that would make an eviction unfair and they were aware of none. The Tenant did not attend the hearing to provide evidence or submissions in support of relief from eviction.

It is ordered that:

1. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before August 7, 2023.
2. If the unit is not vacated on or before August 7, 2023, then starting August 8, 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 Landlords on or after August 8, 2023. The Sherriff is requested to expedite the enforcement of this order.
4. The Tenant shall pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing on or before August 7, 2023, the Tenant will start to owe interest. This will be simple interest calculated from August 8, 2023 at 6.00% annually on the balance outstanding.

August 2, 2023
Date Issued

 John Cashmore
 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 February 8, 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.