



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

Citation: YMCA Hamilton/Burlington/Brantford v Haarstad, 2023 ONLTB 48074

Date: 2023-07-06

File Number: LTB-L-060268-22

In the matter of: 206, 79 JAMES ST S HAMILTON
ON L8P2Z1

Between: YMCA Hamilton/Burlington/Brantford Landlord

And

Paul Haarstad Tenant

YMCA Hamilton/Burlington/Brantford (the 'Landlord') applied for an order to terminate the tenancy and evict Paul Haarstad (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 April 20, 2023.

The Landlord's Agents, Genevieve Hladysch and Ashley Laing, attended the hearing.

As of 9:30 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. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy is terminated on July 17, 2023.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. By way of background, the residential complex is a rooming house consisting of four floors and 174 rooms. The Tenant occupies a room on the second floor.

4. On September 18, 2022, the Landlord gave the Tenant an N7 notice of termination ('N7 Notice'). The notice of termination contains the allegations that the Tenant has seriously impaired the safety of another person and that the behaviour occurred at the residential complex.

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5. In her testimony, the Landlord's Agent Ashley Laing ('A.L.') stated that on August 19, 2022, the Tenant was observed attempting to climb out of his window on the second floor which is approximately twenty feet to street level. She stated this was a serious safety concern as there is sidewalk directly beneath the window. Upon arrival at the Tenant's unit during this event, the unit was observed to be extremely dirty, disorganized, and had a serious cockroach infestation. She stated as there are 174 rooms in the complex, there is a serious safety concern for the other residents' as it is possible their units may also become infested with pests and the Landlord was not made aware of the issue prior to attending at the Tenant's unit.
6. A.L. testified that on September 16, 2022, she observed the Tenant verbally abusing other members of staff and residents. She stated the Tenant was banging the glass windows of her office and screaming obscenities. She said the Tenant's aggressive behaviour is occurring on a regular basis and causes her concern for her safety as well as the safety of others in the residential complex. A.L. added the Tenant has been observed putting human feces in the sink of the laundry room which could have resulted in serious health concerns.
7. A.L. stated the Tenant has a social worker of whom she has reached out to in an effort to retain assistance for the Tenant however the Tenant has declined all support. She added that in the course of her work, she had been advised by other tenants in the building that they do not feel safe in the halls and on the property due to the action of the Tenants. She testified that due to the Tenant's aggressive and ongoing behaviour, she no longer feels safe working in the building. She fears for her safety, the safety of her co-workers, and the other tenants in the building.
8. Based on the evidence before me, and on a balance of probabilities, I am satisfied that the Landlord has met the burden of proof to establish that the Tenant seriously impaired the safety of another person in the residential complex.

Section 83 considerations

9. The Landlord's Agents submitted that the Landlord is seeking an order terminating the tenancy between the Landlord and the Tenant.
10. The Tenant was not present to provide any evidence regarding his circumstances. The Landlord's Agents testified the Tenant was well aware of the hearing today and they are not aware of any circumstances of the Tenant to warrant a finding that it would be unfair to deny relief from eviction pursuant to subsection 83(1) of the *Residential Tenancies Act, 2006* (the 'Act').

11. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
12. The Landlord incurred costs of \$186.00 for filing the application with the Board and is entitled to reimbursement of those costs.
13. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

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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 July 17, 2023.
2. If the unit is not vacated on or before July 17, 2023, then starting July 18, 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 July 18, 2023.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
5. The total amount the Tenant owes the Landlord is \$186.00.
6. If the Tenant does not pay the Landlord the full amount owing on or before July 17, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 18, 2023 at 6.00% annually on the balance outstanding.

July 6, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on January 18, 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.