



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

Citation: Grey County Housing v Morris, 2023 ONLTB 46092

Date: 2023-06-29

File Number: LTB-L-025847-23

In the matter of: 1355, 8th 8TH AVE W
OWEN SOUND ON N4K5M4

Between: Grey County Housing Landlord

And

Brianna Morris Tenants
Bryton Butt-Carr

Grey County Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Brianna Morris and Bryton Butt-Carr (the 'Tenants') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant;
- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex involving the production of an illegal drug, the trafficking in an illegal drug or the possession of an illegal drug for the purposes of trafficking;
- 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;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully caused undue damage to the premises.

This application was heard by videoconference on June 13, 2023. The Landlord's representative Mike MacLeod, and the Tenant Brianna Morris, attended the hearing. Also in attendance were Lorreta Zevenberger, the Landlord's building services supervisor, and Amy Young, the Landlord's community relations worker, who both testified at the hearing.

Bryton Butt-Carr is the father of the three children and has resided in the unit. He moved out, moved back into the unit in March 2022, and left again on May 3, 2023. There is a no contact order which Ms. Morris is attempting to have lifted so that Mr. Burr-Carr can be a part of the

children's lives. For the purposes of this order the parties will be referred to as the Tenant as it is Ms. Morris who continues to reside in the unit and appeared at the hearing.

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Determinations:

1. The Landlord chose not to pursue the issues related to the N6 notice to terminate the tenancy due to a lack of evidence.
2. Photographs submitted as evidence by the Landlord show the rental unit as well, and the yard, are kept in a seriously unclean and unkept state. Photographs of the basement show an extreme buildup of animal feces from the Tenants dog and cat. The Tenant testified that she cleans up after the animals on a weekly basis. The testimony from the Landlord's witnesses support the photographic evidence showing that there are dozens of piles of animal feces which could not possibly be the result of proper attention to the issue by the Tenant. In addition, the Landlord testified that there is also a building up of animal urine in the basement. This excessive accumulation of feces and urine in the home are causing a health hazard to the point that, according to Ms. Zevenberger and her 13 years experience in her role as building services supervisor, will require a biohazard team to bring the unit to a state where it is safe for habitation. Ms. Zevenberger estimates that it will cost the Landlord \$35,000.00 to \$40,000.00 to remedy the situation.
3. In addition, Ms. Zevenberger testified that there have been five sewer backups in the rental unit due to the Tenant flushing baby wipes down the toilet. The children are now 5, 6, and 7 years of age. There have been discussions with the Tenant about this issue. The Tenant has a hard time watching the children all the time and according to the Tenant, it is the children who are flushing the baby wipes down the toilet and causing the problem.
4. Throughout the six-year tenancy, the Landlord's testimony shows that they have attempted to work with the Tenant, but the problem continues.
5. The Tenant testified that she has now cleaned up the unit and the yard. The Landlord submits that as recently as May 3, 2023, an attempt to enter the unit with proper notice but that the Tenant would not permit entry. On May 25th, the Landlord did perform an inspection and found approximately 30 bags of garbage in the basement but that the unit remains in an unsafe condition.
6. Section 33 of the *Residential Tenancies Act* requires that a tenant maintain a rental unit in an ordinary state of cleanliness. The evidence and testimony demonstrate that the Tenant has maintained the unit and the yard in a cluttered and unsafe manner.
7. Considering the fact that the Landlord has attempted, on several occasions, to work with the Tenant over the years to remedy this situation, I find the likelihood that this issue will not be repeated to be low.

8. The Tenant requested a delay of terminating the tenancy if it is found the tenancy should be terminated. The Tenant requested until the end of October 2023. The Landlord was seeking the end of August but submits that September 30, 2023 would be acceptable.
9. I find delaying the termination of the tenancy until September 30, 2023 to be reasonable.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before September 30, 2023.

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2. If the unit is not vacated on or before September 30, 2023, then starting October 1, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. The Tenants shall pay to the Landlord \$186.00 for the cost of filing the application.
4. The total amount the Tenants owe the Landlord is \$186.00.
5. If the Tenants do not pay the Landlord the full amount owing on or before September 30, 2023, the Tenants will start to owe interest. This will be simple interest calculated from October 1, 2023 at 6.00% annually on the balance outstanding.

June 29, 2023

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 April 1, 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.

