



## Order under Section 78(11) Residential Tenancies Act, 2006

**Citation:** City of Brantford, Housing v Patrick Power, 2023 ONLTB 45836

**Date:** 2023-06-27

**File Number:** LTB-L-019753-23-SA

**In the matter of:** 205, 5 FORDVIEW CRT  
BRANTFORD ON N3T5W3

**Between:** City of Brantford and Housing Landlord

**And**

Patrick Power Tenant

City of Brantford and Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Patrick Power (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on November 9, 2022 with respect to application LTB-L-010534-22.

The Landlord's application was resolved by order LTB-L-019753-23, issued on April 26, 2023. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-019753-23.

The motion was heard by videoconference on May 31, 2023. Only the Landlord's Agent, Nicole Murray, attended the hearing.

As of 9:20 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.

**Determinations:**

1. Although the Tenant did not appear to support their motion, the Landlord consents to the Tenant's motion.

**It is ordered that:**

1. The motion to set aside Order LTB-L-019753-23, issued on April 26, 2023, is granted. The order is set aside and cannot be enforced.
2. Order LTB-L-010534-22, issued on November 9, 2022, is cancelled and replaced by the following.

3. The Tenant shall bring the rental unit to a reasonable state of cleanliness and free of clutter on or before July 26, 2023 and maintain a reasonable state of cleanliness for a period of 12 months. Specifically, the Tenant shall:
  - Maintain a minimum of 1 metre clearance from combustible materials or ignition sources.
  - Provide and maintain egress pathways from each room and all floor areas in the rental unit, with a minimum of 1 metre clearance. The pathways must be clear from floor to ceiling to provide a safe means of egress for occupants and a clear path for emergency responders.
  - Provide and maintain a minimum of 1 meter distance from the ceiling of combustible materials to ensure adequate smoke alarm operation.
4. If the Tenant fails to comply with the conditions set out in paragraph 3, then, within 30 days of the breach, the Landlord may apply under section 78 of the Residential Tenancies Act, 2006 (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 3 of this order.

**June 27, 2023**  
**Date Issued**

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Khalid Akram  
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.