



Order under Section 30 of the Residential Tenancies Act, 2006

Citation: Scott Derrick Rusk v Brian Ziegler, 2023 ONLTB 45899

Date: 2023-06-23 **File Number:** LTB-T-011569-22/ LTB-T-010621-22

In the matter of: 6 HWY RR 1
DURHAM ON N0G1R0

Between: Scott Derrick Rusk Tenant

And

Brian Ziegler Landlord

Scott Derrick Rusk (the 'Tenant') applied for an order determining that Brian Ziegler (the 'Landlord') entered the rental unit illegally; substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of the Tenant's household; and harassed, obstructed, coerced, threatened, or interfered with the Tenant (LTB-T-011569-22).

The Tenant also applied for an order determining that the Landlord failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing, or maintenance standards (LTB-T-010621-22).

Both applications were heard by videoconference on June 15, 2023. The Tenant, and the Landlord's spouse, J. Peitz (JP) with the permission of the Landlord, attended the hearing.

Determinations:

LTB-T-011569-22 (T2 Application)

1. The Tenant, who vacated the unit on June 4, 2022, testified that the Landlord illegally entered the unit drunk on January 8, 2022 and screamed at him about a rent increase. The Landlord's spouse, JP, who was present at the time, slapped the Tenant.
2. JP testified that she attended the rental unit with the Landlord on January 8, 2022, the Tenant's wife let them in and went to get him while they waited. The Landlord was upset over the state of the unit, asked for increased rent so repairs could be carried out and got in an argument with the Tenant.

3. JP got between the Landlord and the Tenant as they screamed at each other and pushed the Landlord away from the Tenant. She denied slapping the Tenant who later stated that the slap was not a hard one.
4. The Tenant's only remedy was a request for a fine against the Landlord.

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5. Based on all the evidence, I am not satisfied that the Landlord entered the unit illegally, substantially interfered with the Tenant's reasonable enjoyment of the unit or harassed the Tenant in any form.

LTB-T-010621-22 (T6 Application)

6. The Tenant testified that he resided in the rental unit for over 10 years and the Landlord was unresponsive every time the issue of repairs was raised. In November or December 2021, the Tenant informed the Landlord that there were rats in the unit, the floors were rotten and the rats chewed the electrical wires and water pipe causing a water leak.
7. The Tenant requested an order refraining the Landlord from renting the unit to prospective Tenants.
8. Section 20 (1) of the Residential Tenancies Act, 2006 ("Act"), provides that a Landlord is responsible for providing and maintaining a residential complex, including the rental units in it, in a good state of repair and fit for habitation and for complying with health, safety, housing and maintenance standards.
9. The Tenant who has since vacated the unit did not request a remedy that the Board can enforce based on the evidence.

It is ordered that:

1. The Tenant's applications are dismissed.

June 23, 2023

Date Issued

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Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor Toronto
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

