



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

**Citation:** Renfrew County Housing Corporation v Belanger, 2023 ONLTB 45826

**Date:** 2023-06-22

**File Number:** LTB-L-076938-22

**In the matter of:** 469 Nelson Street  
Pembroke Ontario K8A 3P2

**Between:** Renfrew County Housing Corporation Landlord

**And**

Victoria Belanger Tenant

Renfrew County Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Victoria Belanger (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. (N7 Notice).

This application was heard by videoconference on October 05, 2022.

Only the Landlord's legal representative Andrea Blackburn attended the hearing.

As of 10:33am, 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.

**Preliminary Matters:**

1. An interim order was issued by Member Tancioco on March 09, 2022 requiring the relations Coordinator is to provide notice to the Tenant of what is required to be cleaned on or before February 18, 2022.
2. The interim ordered required Tenant to clean the basement and outside balcony (top and bottom) on or before March 9, 2022 and the Tenant Relations Coordinator will attend the unit on or before March 2, 2022 to inspect the unit.
3. On March 21, 2022 at 2:39pm, the Landlord's legal representative advised the LTB in writing, along with photographs, that the Tenant failed to clean the basement and outside

balcony (top and bottom) on or before March 9, 2022. The photographs show the failed to clean the basement and combustibles as well as the balcony outside.

**Determinations:**

4. For the reasons that follow, I find that the Tenant has seriously impaired the safety of another person and this behaviour occurred in the residential complex by storing combustibles materials in the basement and in the path to the furnace and hot water.

N7 Notice of Termination

5. On September 10, 2021, the Landlord gave the Tenant an N7 notice to terminate the tenancy on October 20, 2021. The notice of termination alleges the following:

Fire Code violations (Code 2.4.1.1(2)) for the accumulation of combustible materials in the basement blocking entrance and exit path to the furnace, hot water tank, and exterior, which was found on August 12, 2021, September 02, 2021, and October 20, 2021.

6. At the hearing the Landlord testified that he re-inspected the residential complex on March 02 and 09, 2022 and the Tenant failed to clean the basement and outside balcony (top and bottom); the combustible materials remained in the basement. The Landlord testified that he also re-inspected on September 29, 2022 and the items were not removed.
7. The Landlord testified that the Pembroke Fire Department inspected the residential complex on September 02, 2021 and found several fire code violations, including the accumulation of combustible materials in the basement blocking the entrance and exit path to the furnace, hot water tank, and exterior and ordered that the owner remove combustible items from the basement by October 20, 2020. (Exhibit 3)
8. The Landlord submitted copies of photos from each inspection, the fire inspector's notes, the inspection order, and fire & safety plan drawings (Landlord Exhibits #1-#5). The photos and notes submitted are consistent with the fire inspector's testimony.
9. The Tenant must keep the rental unit to a condition of ordinary cleanliness as required under subsection 33 of the *Residential Tenancies Act, 2006* (the 'Act').
10. Based on the uncontested evidence before me, I am satisfied on a balance of probabilities that the Tenant's possessions in the basement blocking the entrance and exit path to the furnace, hot water tank, and exterior have seriously impaired the safety of another person. The photographic evidence shows the high level of clutter in the unit; in particular, some areas are completely inaccessible. The ongoing blockage of the fire exit puts the Landlords at legal risk from other tenants in the complex and risk of fines from the Fire Department.

S. 83 Considerations:

11. The Landlords requested an order terminating the tenancy between the Landlords and the Tenant. The Tenant was not present to provide any evidence regarding her circumstances and the Landlord testified that he was unaware of any reasons to delay or deny the eviction of the Tenant.
12. 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.

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

**June 22, 2023**

**Date Issued**

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Percy Laryea

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 4, 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.