



## **Order under Section 78(6) Residential Tenancies Act, 2006**

**Citation:** Genevieve Hladysh v Michael Horner, 2023 ONLTB 42607

**Date:** 2023-06-15

**File Number:** LTB-L-035971-23

**In the matter of:** 429, 79 JAMES ST S  
HAMILTON ON L8P2Z1

**Between:** Genevieve Hladysh Landlord

**And**

Michael Horner Tenant

Genevieve Hladysh (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Horner (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 March 17, 2023 with respect to application LTB-L-058530-22.

This application was decided without a hearing being held.

### **Determinations:**

1. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenant has not met the following condition specified in the order: **The Tenant failed to refrain from yelling profanities, screaming, banging on things or uttering threats towards other tenants in the common areas of the residential complex.**

### **It is ordered that:**

1. Order LTB-L-058530-22 is cancelled.
2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before June 26, 2023.

3. If the unit is not vacated on or before June 26, 2023, then starting June 27, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

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4. 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 June 27, 2023.

**June 15, 2023**

**Date Issued**

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Vladislav Shustov

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor, Toronto  
ON M7A 2G6

The Tenant has until June 25, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the tenant files the motion by June 25, 2023 the order will be stayed and the LTB will schedule a hearing.

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 expires on December 27, 2023 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.

