



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

Citation: Anastasia Polydorou v Sandra Bertrand, 2023 ONLTB 40007

Date: 2023-06-01

File Number: LTB-L-038440-23

In the matter of: BASEMENT APT, 4765 EPWORTH CIR NIAGARA
FALLS ON L2E1E1

Between: Anastasia Polydorou Landlord

And

Sandra Bertrand Tenant

Anastasia Polydorou (the 'Landlord') applied for an order to terminate the tenancy and evict Sandra Bertrand (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on February 21, 2023 with respect to application LTB-L-016833-22.

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:

For a period of 12 months starting on February 7, 2023, the Tenant, another occupant of the rental unit, or the Tenant's guests will not substantially interfere with the Landlord's or another tenant's lawful rights, privileges, and interests and/or reasonable enjoyment of the residential complex. This includes not smoking in the rental unit. The Tenant was specifically found to be smoking in the unit on March 22, 2023, March 23, 2023, April 3, 2023, April 14, 2023 and May 6, 2023.

It is ordered that:

1. Order LTB-L-016833-22 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 12, 2023.

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3. If the unit is not vacated on or before June 12, 2023, then starting June 13, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
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 13, 2023.

June 1, 2023

Date Issued

Emile Ramlochan

Member, Landlord and Tenant Board

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

The Tenant has until June 11, 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 11, 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 13, 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.

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