



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

Citation: Perth and Stratford Housing Corporation v Campbell, 2023 ONLTB 40344

Date: 2023-05-29

File Number: LTB-L-027481-23

In the matter of: 408, 270 QUEEN ST W RR 6
ST MARYS ON N4X1C8

Between: Perth and Stratford Housing Corporation Landlord

And

Kyle Campbell Tenant

Perth and Stratford Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Kyle Campbell (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 mediated settlement signed by the parties on April 11, 2022 with respect to application LTB-L004155-22.

This application was decided without a hearing being held.

Determinations:

1. The mediated settlement 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 mediated settlement. This application was filed within 30 days of the breach.
2. I find that the Tenant has not met the following conditions specified in the mediated settlement: **For a period of 12 months, the Tenant, any guest or occupant will refrain from causing excessive noise of any kind in the residential unit and the common areas of the residential complex. This includes, but is not limited to, screaming, yelling, fighting, pounding and hammering.**

The housing office received complaints regarding the following incidents which occurred on:

- On March 21, 2023 at 9:30 am, multiple consistent door slams;
- On March 22, 2023 at 12:57AM, loud door slam; 2:10AM, loud door slam; 3:21AM, loud door slam; 3:22AM, double door slam; 3:23AM, door slam; 4:06AM, door slam; and 6:13AM, multiple loud door slams;

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- On April 1, 2023 between 11:16PM and 11:37PM, there were multiple loud door slams; and
 - On April 4, 2023, there was an argument between a guest coming in and out of the rental unit and a neighbouring unit between 1:35 pm – 2:08 pm. At 2:10 pm, the Tenant began yelling, screaming, beating on the rental unit walls and hitting the balcony railing. There was also a female in the rental unit, screaming in fear or distress.
3. The Landlord is entitled to daily compensation from the day after this order is issued to the date the Tenant moves out of the unit at a daily rate of \$4.70. This amount is calculated as follows: \$143.00 x 12, divided by 365 days.

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 June 9, 2023.
2. If the unit is not vacated on or before June 9, 2023, then starting June 10, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 10, 2023.
4. The Tenant shall pay to the Landlord \$4.70 per day for compensation for the use of the unit starting May 30, 2023 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing on or before June 9, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from June 10, 2023 at 6.00% annually on the balance outstanding.

May 29, 2023
Date Issued

Kimberly Parish
Member, Landlord and Tenant Board

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

The Tenant has until June 8, 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 8, 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 10, 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.