



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

Citation: THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION v PAINTER, 2023 ONLTB 38277
Date: 2023-05-25
File Number: LTB-L-034062-23

In the matter of: 722, 150 ELIZABETH ST TORONTO
ON M5G0B1

Between: THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF GREATER TORONTO Landlord

And

TINA MARIE PAINTER Tenant

On April 27, 2023, THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF GREATER TORONTO (the 'Landlord') applied for an order to terminate the tenancy and evict TINA MARIE PAINTER (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on January 3, 2023, with respect to application LTB-L-037691-22.

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 was to restore the rental unit to a safe, clean and reasonable living condition, by March 31, 2023. This includes but is not limited to:

- a) no combustible items near or on the stove.

- b) reduce the amount of combustible materials/excessive clutter in the unit to a level acceptable to YWCA Toronto (e.g., rooms can be used for their intended purposes).
- c) pathways must be clear to all exits and windows with a minimum clearance of 1 meter.

File Number: LTB-L-034062-23

- d) egress pathways must be clear of any obstructions from the floor to the ceiling and provide a safe means of egress for emergency responders.
- e) stacked items are stacked securely and are not stacked higher than approximately 1 meter.
- f) all exits and entranceways to the unit are clear and accessible (e.g., all unit doors can open all the way).
- g) all rooms shall be kept in a reasonable state of cleanliness.

The Tenant has not complied with Paragraph 2, of the order LTB-L-037691-22. On or about April 3, 2023, the Landlord's staff attended the rental unit to conduct an inspection and observed the following:

- i. combustible items stacked next to the stove;
- ii. clutter level in the rental unit was a level 7 out of 9 on the Clutter Image Rating Scale;
- iii. the bedroom was unusable for its intended purpose as it was densely packed with an excessive amount of items stacked approximately 4 feet high with no pathway inside the bedroom area which made it impossible to enter the bedroom;
- iv. the bathroom was only partially accessible. Specifically, the toilet and sink were unobstructed, however, the bathtub was being used as storage space with shopping carts, and bags of items in the bathtub which made the bathtub and shower not usable for its intended purpose;
- v. there was a pathway of less than 1 meter into and out of the rental unit; and vi. there were items stacked along the walls on either side of the pathway into the rental unit which would make it difficult for Emergency Medical Services to navigate equipment such as a stretcher into the rental unit in the event of an emergency.

It is ordered that:

1. Order LTB-L-037691-22 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 5, 2023.

3. If the unit is not vacated on or before June 5, 2023, then starting June 6, 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 6, 2023.

May 25, 2023

Date Issued

Kimberly Parish

Member, Landlord and Tenant Board

File Number: LTB-L-034062-23

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

The Tenant has until June 4, 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 4, 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 6, 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.