



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

**Citation:** LOFT Community Services v Elmi, 2023 ONLTB 30840

**Date:** 2023-05-24

**File Number:** LTB-L-025357-22

**In the matter of:** 16, 71 BEATY AVE  
TORONTO ON M6K3B3

**Between:** LOFT Community Services Landlord

**And**

Ibrahim Elmi Tenant

LOFT Community Services (the 'Landlord') applied for an order to terminate the tenancy and evict Ibrahim Elmi (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on April 3, 2023.

Only the Landlord's Legal Representative, Daniel Abraham, and the Landlord's Agent Sarah Steggerda attended the hearing.

As of 9:48 a.m., 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.

**Determinations:**

1. The Tenant was in possession of the rental unit on the date the application was filed.
2. The unit is a room with an attached bathroom and the Tenant shares a
3. On April 20, 2022, the Landlord gave the Tenant an N5 notice of termination with a termination date of May 21, 2023, alleging that there was a large amount of garbage and clutter in the unit.
4. The conditions in the Tenant's unit had not improved by the date of the next inspection on April 4, 2022, when the staff of the residential complex noted garbage and clutter throughout the unit. Therefore, the Tenant did not void the N5 notice of termination in

accordance with s.64(3) of the *Residential Tenancies Act, 2006* (Act).

5. The Landlord's Agent testified that the Tenant's unit was covered with a large amount of clothing, garbage and food waste. Other tenants in the residential complex had complained of odours emanating from the Tenant's unit. Despite repeated notices after monthly inspections, the Tenant had not taken action to improve the conditions of the unit, and had not taken advantage of the housekeeping services offered by the Landlord.
6. Based on the uncontested and internally consistent evidence of the Landlord, I find, on a balance of probabilities that the Tenant substantially interfered with a lawful right, privilege, or interest of the Landlord, by failing to maintain the unit to an ordinary standard of cleanliness.

*Relief from eviction:*

7. The Landlord's Agent testified that since the application was filed, the conditions in the Tenant's unit have not improved. Residential complex staff had cleaned the unit to allow pest control contractors to treat the unit for a cockroach infestation, but the conditions in continued to deteriorate after the pest control treatment was completed.
8. The Landlord requested a conditional order to allow the Tenant the opportunity to preserve their tenancy.
9. 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 not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant shall bring the state of their unit to an ordinary standard of cleanliness, on or before June 15, 2023.
3. The Tenant shall maintain his unit in an ordinary state of cleanliness for a period of 6 months beginning on June 16, 2023 and ending on December 15, 2023.
4. If the Tenant fails to comply with the conditions set out in paragraphs 2 and 3 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.

**May 24, 2023**  
**Date Issued**

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**Kathleen Wells**  
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.