



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

**Citation:** Victor Davis Mem. Court NP Homes Inc. v Bandy, 2023 ONLTB 37553

**Date:** 2023-05-23

**File Number:** LTB-L-023537-23

**In the matter of:** 402, 87 Neeve Street Guelph  
ON N1E6Z 5

**Between:** Victor Davis Mem. Court NP Homes Inc. Landlord

**And**

Rebecca Bandy Tenant

On March 20, 2023, Victor Davis Mem. Court NP Homes Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Rebecca Bandy (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 December 22, 2022, with respect to application LTBL-049849-22.

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 meet the conditions specified in paragraph 1 b) of the order issued by the LTB on December 22, 2022.**

On February 27, 2023, at approximately 10:15 a.m., Andrew Swan, the building superintendent and Ellie Montgomery, the property administrator, attended the rental unit.

During the unit inspection, the following observations were made:

- Main hallway entrance was obstructed with items on the floor.

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- Hallway was obstructed with items, preventing access to the balcony.
  - Access to the kitchen from the hallway was obstructed with items on the floor.
  - Combustible items were piled on the stove.
  - Combustible items were piled on the countertop near the stove.
  - Access to the living room was blocked with items on the floor.
  - Access to the dining room was blocked with items on the floor.
  - Access to the balcony was obstructed with items piled against the balcony sliding door and on the floor in front of the sliding door.
  - Living room to the hallway was blocked with items on the floor.
  - Access to the utility room housing the electrical panel (ignition source) was blocked with long wooden panels piled against the door.
  - Door to a child's bedroom (the bedroom closest to the main entranceway of the unit) would not open or close freely. Items were piled against the door and scattered throughout the room. Items piled throughout the room prevented access into the room.
3. The Landlord collected a rent deposit of \$276.00 from the Tenant and this deposit is still being held by the Landlord.
  4. Interest on the rent deposit is owing to the Tenant for the period from March 1, 2021, to May 23, 2023.
  5. 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 \$34.95. This amount is calculated as follows: \$1,063.00 x 12, divided by 365 days.

**It is ordered that:**

1. Order LTB-L-049849-22 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 3, 2023.

3. If the unit is not vacated on or before June 3, 2023, then starting June 4, 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 4, 2023.
5. The Tenant shall pay to the Landlord \$34.95 per day for compensation for the use of the unit starting May 24, 2023, to the date the Tenant moves out of the unit.
6. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

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**May 23, 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 2, 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 2, 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 4, 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.