



Order under Section 78(11) Residential Tenancies Act, 2006

Citation: London and Middlesex Community Housing v Aspden, 2023 ONLTB 37466

Date: 2023-05-23

File Number: LTB-L-032735-23

In the matter of: 201, 30 BASE LINE RD W
LONDON ON N6J1V3

Between: London and Middlesex Community Housing Landlord

And

Rachel Aspden Tenant

London and Middlesex Community Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Rachel Aspden (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 May 25, 2022 with respect to application LTB-L-014857-22.

The Landlord's application was resolved by order LTB-L-032735-23, issued on May 23, 2023. The Tenants filed a motion to set aside order LTB-L-032735-23.

This motion was heard via video conference on July 11, 2023 where the Landlord's representative, the Tenant and her representative attended the hearing.

The parties before the Board consented to the following order.

On consent it is ordered that:

1. The Tenant's motion to set aside Order LTB-L-032735-23, issued on May 23, 2023, is granted. The Order is cancelled and cannot be enforced.
2. The Order LTB-L-014857-22 issued May 25, 2022 is cancelled and replaced with the following order.
3. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.

4. On or before August 31, 2023 the Tenant shall bring the rental unit into a state in compliance with level 3 as detailed in the International OCD Foundation's "Clutter Image Rating" which was provided to the Tenant on July 7, 2023.

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5. The Tenant shall maintain the rental unit at level 3 as described above for a period of one year from the date of this Order.
6. For one year from the date of this Order, the Tenant shall ensure the rental unit is in compliance with Fire Code standards:
 - a) Ensuring all combustible materials do not exceed 2.5 feet in height
 - b) Ensuring all aisles and pathways are a minimum of 2.5 feet in width
 - c) Ensuring all combustible materials are placed a minimum of 18 inches from ignition sources
7. If the Tenant fails to comply with the conditions set out in 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 Board without notice to the Tenant.

July 26, 2023

Date Issued

Dana Wren

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.

