



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

Citation: St. Andrew's Place, c/o Luxor Management Inc. v Sedran, 2023 ONLTB 38552

Date: 2023-05-18

File Number: LTB-L-008247-23

In the matter of: 508, 111 LARCH ST
SUDBURY ON P3E4T5

Between: St. Andrew's Place and c/o Luxor Landlord
Management Inc.

And

Heather Sedran

Tenant

St. Andrew's Place and c/o Luxor Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Heather Sedran (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on September 6, 2022 with respect to application LTB-L-001514-22.

This application was heard by videoconference on May 4, 2023.

Only the Landlord's representative, Ryan Aulenbach, attended the hearing. As of 10:24am, the Tenant was not present or represented at the hearing although properly served with notice of the hearing by the Board. There was no request to adjourn the hearing. As a result, the application proceeded with only the Landlord's undisputed evidence.

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. [The breach]

I find that the Tenant has not met the following condition specified in the order:

- a) The Tenant was required to maintain their rental unit in an ordinary state of cleanliness up to September 30, 2023. On December 29, 2022 the Landlord had pest control scheduled to complete a pest control treatment and the Tenant was not

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prepared for pest control because their unit was in a state of uncleanliness and had excessive clutter as noted by the Orkin report.

3. I am satisfied that the Tenant breached the order by not having the unit in a state of uncleanliness and clutter which prevented the effective treatment for pest control and that this breach occurred within the required 30 days before the Landlord filed their L4 application on January 26, 2023.
4. Additionally, the order required that the Tenant ensure that there be no complaints from other tenants in the residential complex due to foul smells originating from the Tenants unit.
5. On February 28, 2023 the Landlord received a complaint from the Tenants neighbour that there was foul smells coming from the Tenants unit and that the smell has become increasingly worse over the past few months and that a cockroach was seen exiting from the Tenants unit.
6. Additionally, on March 7, 2023 the Landlord received another complaint from another tenant that there was foul odours coming from the Tenants unit.
7. The Tenant did not attend the hearing to make submissions regarding their unique circumstances to consider any additional relief from eviction.
8. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. Order LTB-L-001514-22 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 May 29, 2023.
3. If the unit is not vacated on or before May 29, 2023, then starting May 30, 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 May 30, 2023.

Terri van Huisstede
Member, Landlord and Tenant Board

May 18, 2023

Date Issued

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on November 30, 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.

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