



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

Citation: SIMCOE COUNTY HOUSING CORP v Erica Waine, 2023 ONLTB 36328

Date: 2023-05-17

File Number: LTB-L-030096-23

In the matter of: 217, 175 ZOO PARK RD
WASAGA BEACH ON L9Z0H9

Between: SIMCOE COUNTY HOUSING CORP Landlord

And

Erica Waine Tenant

On April 13, 2023, SIMCOE COUNTY HOUSING CORP (the 'Landlord') applied for an order to terminate the tenancy and evict Erica Waine (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 April 4, 2023, with respect to application LTB-L-074543-22.

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:

For a period of one year from February 21, 2023, to February 20, 2024, the Tenant will not to smoke inside the rental unit and not engage in activities that would create a noise disturbance inside the rental unit or residential complex.

On March 20th, 2023, two tenants spoke to the superintendent advising that the Tenant and her guest were yelling and screaming again in the rental unit and that this had been going on all weekend. The superintendent Mike knocked on the door

at 11:35 a.m. and requested they keep the noise level down as this was disrupting the surrounding units.

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It is ordered that:

1. Order LTB-L-074543-22 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 28, 2023.
3. If the unit is not vacated on or before May 28, 2023, then starting May 29, 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 29, 2023.

May 17, 2023

Date Issued

Kimberly Parish

Member, Landlord and Tenant Board

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

The Tenant has until May 27, 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 May 27, 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 November 29, 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.

