



Order under Section
Residential Tenancies Act, 2006

Citation: Duong v Gauthier, 2023 ONLTB 19375

Date: 2023-05-12

File Number: LTB-L-076368-22(EAL-98421-21)

2023 ONLTB 19375 (CanLII)

In the matter of: E, 426 Clarence Street
Ottawa Ontario K1N5R8

Between: Peter Duong Landlord

And

Than Robert Gauthier Tenant

Your file has been moved to the Landlord and Tenant Board's new case management system, the Tribunals Ontario Portal. Your new file number is LTB-L-076368-22

Peter Duong (the 'Landlord') applied for an order to terminate the tenancy and evict Than Robert Gauthier (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

This application was heard by videoconference on February 16, 2022 at 9 am.

Only the Landlord attended the hearing.

As of 10:26 am 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. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy the application. Therefore, the tenancy is terminated as of May 23, 2023.
2. The Tenant was in possession of the rental unit on the date the application was filed.

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3. On October 15, 2021, the Landlord gave the Tenant an N7 notice of termination. The notice alleges that the Tenant substantially interfered by threatening and harassing other tenants on multiple different dates. It also alleges the Tenant is the source of loud noise and racist language, as well as interrupting or interfering with other tenants' sleep.
4. The Landlord provided multiple letters from five other tenants that supported and documented threats and verbal and physical abuse to themselves and their pets. I accept this hearsay evidence, which went unchallenged, and find that:
 - On October 15, 2021 the Tenant harassed, verbally abused and threatening to kill his housemate.
 - On October 12, 2021 the Tenant harassed his neighbour and frightened him.
 - On October 11, the Tenant continued to make loud noises in his unit and disturbed other tenants in the residential complex.
5. I find that the Landlord has proved beyond the balance of probabilities that the Tenant impaired the safety of the Landlord and other tenants in the residential complex.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. There is no last month's rent deposit.
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. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
2. The total amount the Tenant owes the Landlord is \$186.00.

3. If the Tenant does not pay the Landlord the full amount owing on or before May 23, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 23, 2023 at 6.00% annually on the balance outstanding.
4. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 23, 2023.
5. If the unit is not vacated on or before May 23, 2023, then starting May 24, 2023 the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

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6. 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 23, 2023. The Sheriff is requested to expedite the enforcement of this order.

May 12, 2023

Date Issued

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

John Tzanis
Member, Landlord and Tenant Board

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

