



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

Citation: COCHRANE DISTRICT SOCIAL SERVICES v De Grammont, 2023 ONLTB 36354

Date: 2023-05-09

File Number: LTB-L-026231-23

In the matter of: 367 RANDALL DR
TIMMINS ON P4N7R9

Between: COCHRANE DISTRICT SOCIAL SERVICES Landlord
ADMINISTRATION BOARD - HOUSING
SERVICES

And

Annie De Grammont Tenant

On March 29, 2023, COCHRANE DISTRICT SOCIAL SERVICES ADMINISTRATION BOARD - HOUSING SERVICES (the 'Landlord') applied for an order to terminate the tenancy and evict Annie De Grammont (the 'Tenant') and for an order to have the Tenant pay the rent the Tenant owes because the Tenant failed to meet a condition specified in the mediated settlement issued by the Board on December 13, 2022 with respect to application LTB-L-005843-22.

This application was decided without a hearing being held.

Determinations:

1. The prior order LTB-L-005843-22 provided that the Landlord could apply to the Board 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 did not meet certain conditions specified in the order.
2. I find that the Tenant has not met the following condition specified in the order: **The Tenant failed to smoke exclusively outside of the rental complex on the following dates as follows:**
 - On **March 8, 2023**, Cochrane District Social Services Administration Board – Housing Services (“CDSSAB”) Housing staff attended the rental unit for a scheduled

inspection. Cigarette butts and ashes were found in a plastic waste basket in the master bedroom beside the Tenant's bed and on the floor;

File Number: LTB-L-026231-23

- On **March 23, 2023**, CDSSAB Housing staff attended the rental unit for a scheduled inspection but did not enter the rental unit because the Tenant stated she was ill. A strong cannabis smoke odor was noted coming from inside the rental unit;
 - On **March 24, 2023**, CDSSAB Housing received an email complaint from the Tenant's former partner who witnessed the Tenant smoking inside her bedroom during a video call with his sons; and
 - On **March 28, 2023**, CDSSAB Housing staff attended the rental unit for a scheduled inspection and it was discovered that the Tenant's master bedroom had a strong smell of cigarette smoke.
3. The Landlord notes on the L4 application that the Tenant did not pay the monthly rent for March 2023. The prior order was based on an L2 application, and the section 78 clause included in that prior order does not direct the Tenant to pay any money towards the ongoing monthly rent. Therefore, the monthly rent which the Landlord alleges has not been paid for by the Tenant for March 2023 cannot be ordered within this L4 application.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 20, 2023.
2. If the unit is not vacated on or before May 20, 2023, then starting May 21, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 21, 2023.
4. The Tenant shall pay to the Landlord \$10.09 per day for compensation for the use of the unit starting May 10, 2023 to the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing on or before May 20, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from May 21, 2023 at 6.00% annually on the balance outstanding.

May 9, 2023

Date Issued

Kimberly Parish

Member, Landlord and Tenant Board

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

File Number: LTB-L-026231-23

The Tenant has until May 19, 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 19, 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 21, 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.

2023 ONL TB 36354 (CanLII)