



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

**Citation:** Gumiero Holdings Inc. v Chatelain-cole, 2023 ONLTB 34750

**Date:** 2023-05-03

**File Number:** LTB-L-025365-23

**In the matter of:** 405, 132 WELLINGTON ST S  
HAMILTON ON L8N2R4

**Between:** Gumiero Holdings Inc. Landlord

**And**

Denise Chatelain-Cole Tenants  
Larry Dymond

2023 ONLTB 34750 (CanLII)

Gumiero Holdings Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Denise Chatelain-Cole and Larry Dymond (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on March 9, 2023 with respect to application LTB-L-019257-22.

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 Tenants to terminate the tenancy and evict the Tenants if the Tenants do not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenants have not met the following conditions specified in the order:

**The Tenants failed to have the rental unit cleaned and in accessible condition on or before March 15, 2023.** The Landlord performed an inspection at the rental unit on March 16, 2023 and found the unit was not in a clean and accessible condition as boxes and items were piled up throughout the rental unit.

**The Tenants failed to have the rental unit prepared for pest control treatment on or before March 22, 2023.** The Landlord's pest control company could not complete the scheduled pest control treatment at the rental unit on March 23, 2023 as a result.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before May 14, 2023.
2. If the unit is not vacated on or before May 14, 2023, then starting May 15, 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 15, 2023.

**May 3, 2023**  
**Date Issued**

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Kimberly Parish  
Member, Landlord and Tenant Board

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

The Tenants have until May 13, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants file the motion by May 13, 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 15, 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.