



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

Citation: Ottawa Community Housing Corporation v Stephen, 2023 ONLTB 33334

Date: 2023-04-25

File Number: LTB-L-017750-23

In the matter of: 31, 255 DONALD ST
OTTAWA ON K1K1N1

Between: Ottawa Community Housing Corporation Landlord

And

Mielke Stephen Tenant

Ottawa Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Mielke Stephen (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on May 24, 2022 with respect to application EAL-9245720.

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: **Failure to allow the Landlord lawful entry to the unit further to the entry provisions of the *Residential Tenancies Act, 2006*.**
 - On January 30, 2023, the tenant refused to allow entry to the Integrated Pest Management Team despite being properly served with a notice of entry.
 - On February 16, 2023, the Integrated Pest Management Team attempted to treat the unit, but the tenant refused to allow entry despite being properly served with a notice of entry

It is ordered that:

1. Order EAL-92457-20 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 6, 2023.
3. If the unit is not vacated on or before May 6, 2023, then starting May 7, 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 7, 2023.

April 25, 2023

Date Issued

Vladislav Shustov

Member, Landlord and Tenant Board

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

The Tenant has until May 5, 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 5, 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 7, 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.