



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

Citation: ANGUS LEGION SENIOR CITIZEN COMPLEX C/O BAYSHORE PROPERTY
MANAGEMENT v Pizzey, 2023 ONLTB 33202

Date: 2023-04-25

File Number: LTB-L-016501-23

2023 ONLTB 33202 (CanLII)

In the matter of: 104, 257 CENTRE ST ANGUS
ON L0M1B5

Between: ANGUS LEGION SENIOR CITIZEN LANDLORD
COMPLEX C/O BAYSHORE PROPERTY
MANAGEMENT

And

Anita Pizzey TENANT

ANGUS LEGION SENIOR CITIZEN COMPLEX C/O BAYSHORE PROPERTY MANAGEMENT (the 'Landlord') applied for an order to terminate the tenancy and evict Anita Pizzey (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on April 11, 2022 with respect to application CEL-03901-21.

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:

The Tenant failed to not smoke within 10 feet of the building entrance or patio door of the rental unit.

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 6, 2023.
2. 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.
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 7, 2023.

April 25, 2023
Date Issued

Lynn Mitchell
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.