



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

Citation: MANTLER MANAGEMENT LTD. v Whang, 2023 ONLTB 32628

Date: 2023-04-21

File Number: LTB-L-015058-23

In the matter of: 310, 60 LAVEROCK AVE
RICHMOND HILL ON L4C4J6

Between: MANTLER MANAGEMENT LTD. Landlord

And

Heather Whang Tenants
John Whang

MANTLER MANAGEMENT LTD. (the 'Landlord') applied for an order to terminate the tenancy and evict Heather Whang and John Whang (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on with respect to application TNL-36093-21.

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 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 condition specified in the order:
 - **The Tenants and/or occupants shall not, for one year from February 24, 2022, interfere with other residents' or the Landlord's reasonable enjoyment and, specifically, shall not scream or yell unnecessarily.**
 - **The Tenants and/or occupants shall not, for one year from February 24, 2022, scream from the balcony of the unit at other residents, the Landlord or other persons walking by or in close proximity of the balcony.**

3. The Landlord declares that the Tenants breached the first condition, above, on January 2, 2023, January 20, 2023, January 16, 2023 and January 25, 2023 with yelling and loud noise in the unit. The Landlord also declares that the Tenants breached the second condition on January 29, 2023 by yelling at another resident from the balcony of the unit.

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2023 ONL TB 32628 (CanLII)

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 2, 2023.
2. If the unit is not vacated on or before May 2, 2023, then starting May 3, 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 3, 2023.

April 21, 2023

Date Issued

Lynn Mitchell

Member, Landlord and Tenant Board

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

The Tenants have until May 1, 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 1, 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 3, 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.

