



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

**Citation:** Wigwamen Incorporated v Peters, 2023 ONLTB 32443

**Date:** 2023-04-20

**File Number:** LTB-L-012652-23

**In the matter of:** 2, 8 KEYWEST AVE  
YORK ON M6E2A8

**Between:** Wigwamen Incorporated Landlord

**And**

Holly Peters Tenant

Wigwamen Incorporated (the 'Landlord') applied for an order to terminate the tenancy and evict Holly Peters (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on August 26, 2022 with respect to application LTB-L-001246-21-AM. This application was decided without a hearing being held.

### **Determinations:**

1. The order 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. The prior order LTB-L-001246-21-AM notes that the Tenant, any occupants and/or guests shall not substantially interfere with the reasonable enjoyment of other Tenants in the residential complex as identified on the N5 notices of termination. The noted behaviours on the N5 notices of termination include arguing, shouting, and yelling for extended periods of time, physical altercation, slamming doors, banging noise inside the rental unit,
3. I find that the Tenant has not met the following conditions specified in the order:
  - a) On January 22, 2023 at approximately 9:48 pm there was excessive noise coming from the Tenant's unit which included furniture crashing and banging, a physical altercation, and yelling which lasted approximately 15 - 20 minutes.

- b) On January 22, 2023 at approximately 11:52 pm, there was yelling and crying coming from the Tenant's unit.

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2023 ONL TB 32443 (CanLII)

**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 1, 2023.
2. If the unit is not vacated on or before May 1, 2023, then starting May 2, 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 2, 2023.
4. The Tenant shall pay to the Landlord \$37.05 per day for compensation for the use of the unit starting April 21, 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 1, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from May 2, 2023 at 6.00% annually on the balance outstanding.

**April 20, 2023**

**Date Issued**

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Kimberly Parish

Member, Landlord and Tenant Board

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

The Tenant has until April 30, 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 April 30, 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 2, 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.

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