



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

Citation: Perth & Stratford Housing Corporation v Schlueter, 2023 ONLTB 28965

Date: 2023-04-20

File Number: LTB-L-074623-22

In the matter of: 117, 14 MILL ST W
MILVERTON ON N0K1M0

Between: Perth & Stratford Housing Corporation Landlord

And

Dennis Schlueter Tenant

On October 25, 2022, Perth & Stratford Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Dennis Schlueter (the 'Tenant') and for an because the Tenant failed to meet a condition specified in the order issued by the Board on February 17, 2022 with respect to application SWL-56373-21.

This application was decided without a hearing being held.

Determinations: It is ordered that:

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. I find that the Tenant has not met the following conditions specified in the order:
 - a) On October 3, 2022, the Tenant made alterations to the residential unit without the Landlord's consent when the Tenant started removing the flooring tiles in the living room;
 - b) On October 19, 2022, the Tenant made alterations to the residential unit without the Landlord's consent when all of the flooring tiles were removed by the Tenant in the kitchen and the living room, and new flooring tile was laid in the bathroom; and
 - c) On October 19, 2022, the Tenant caused excessive damage to the rental unit by removing all of the flooring tiles in the kitchen and the living room which caused damage to the rental unit floor.

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 \$4.01 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

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 1, 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.