



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

Citation: Steele v Flanagan, 2023 ONLTB 28907

Date: 2023-04-06

File Number: LTB-L-012488-23

In the matter of: 5, 26 CRAIG ST
LONDON ON N6C1E8

Between: Sean Steele Landlord

And

Karen Flanagan Tenant

Sean Steele (the 'Landlord') applied for an order to terminate the tenancy and evict Karen Flanagan (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on December 9, 2021 with respect to application SWL-51084-21.

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. The previous order SWL-51084-21 ordered that the Tenant shall not disturb other residents of the residential complex unless an actual emergency arises.
3. I find that the Tenant has disturbed other tenants in the residential complex on a non-emergency basis as follows:
 - On January 7, 2023 at approximately 6:00 pm, the Tenant was pounding on the main front door until for approximately a half an hour before another tenant came downstairs to let the Tenant inside; and
 - On January 21, 2023, the Tenant knocked on the door of another unit at 10:00 pm and wanted to talk to residents who have not lived in that unit for over two decades. The Tenant also requested to borrow cigarettes from the tenant in that unit who was a non-smoker.

4. The Landlord does not hold a rent deposit for this unit.
5. The Landlord is entitled to daily compensation from the day after this order is issued to the date the Tenant moves out of the unit at a daily rate of \$17.02. This amount is calculated as follows: \$517.61 x 12, divided by 365 days.

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 April 17, 2023.
2. If the unit is not vacated on or before April 17, 2023, then starting April 18, 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 April 18, 2023.
4. The Tenant shall pay to the Landlord \$17.02 per day for compensation for the use of the unit starting April 7, 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 April 17, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from April 18, 2023 at 6.00% annually on the balance outstanding.

April 6, 2023
Date Issued

Kimberly Parish
Member, Landlord and Tenant Board

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

The Tenant has until April 16, 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 16, 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 October 18, 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.