



Order under Section 69  
Residential Tenancies Act, 2006

Citation: Tracey Park Property Management Inc. v Crystal, 2023 ONLTB 26647  
Date: 2023-03-24 File Number: LTB-L-074909-22

In the matter of: 21, 14 TRACEY PARK DR  
BELLEVILLE ON K8P4R5

Between: Tracey Park Property Management Inc. Landlord

And

Maracle Crystal Tenant

Tracey Park Property Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Maracle Crystal (the 'Tenant') because they, another occupant of the rental unit or someone they permitted in the residential complex have substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant ('L2 application'). The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on October 4, 2022. Only the Landlord's representative Luisa Goncalves attended the hearing.

Determinations:

1. The Tenant is still in possession of the unit.
2. The Landlord's application was preceded by a single N5 notice of termination ("N5 Notice") deemed served on February 11, 2021. The N5 Notice alleges that the Tenant's behaviour or the behaviour of someone visiting or living with the Tenant has substantially interfered with the Landlord's or another tenant's reasonable enjoyment of the residential complex, and/or lawful rights, privileges, or interests.
3. Based on the uncontested evidence before me, I am satisfied that the storage of garbage on the front yard substantially interferes with the Landlord's and another tenant's reasonable enjoyment of the residential complex and rental unit.
4. Subsection 64(3) of the Residential Tenancies Act, 2006 (the 'Act') states that a tenant can void an N5 Notice by stopping the activities or correcting the described behaviour within seven days of being served with notice.

5. It was the evidence of the Landlord that the Tenant did not void the N5 Notice.

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6. The Landlord states that they Tenant has taken positive steps towards keep the front yard clean and asked for an order allowing the tenancy to continue on the condition that the Tenant maintains the front yard clear of garbage.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Residential Tenancies Act, 2006 (the 'Act'), and find that it would not be unfair to grant relief from eviction pursuant to subsection 83(1)(b) of the Act subject to the conditions set out below.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. For a period of twelve consecutive months, starting October 5, 2022 through to and including October 4, 2023, the Tenant shall refrain from storing garbage in the front yard.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the Residential Tenancies Act, 2006 (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application no later than April 30, 2023.

March 31, 2023

Date Issued

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John Tzanis

Member, Landlord and Tenant Board

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