



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

Citation: REX ENTERPRISES v Spring, 2023 ONLTB 27245

Date: 2023-03-22

File Number: LTB-L-001708-23

In the matter of: A, 992 EGLINTON AVE W
TORONTO ON M6C2C5

Between: REX ENTERPRISES INC. Landlord

And

Martin Spring Tenant

On January 6, 2023, REX ENTERPRISES (the 'Landlord') applied for an order to terminate the tenancy and evict Martin Spring (the 'Tenant') because the Tenant did not meet conditions specified in the order issued by the LTB on January 4, 2023 with respect to applications LTB-L076347-23 and LTB-T-075028-22.

On January 20, 2023, the Landlord filed a second declaration in support of the application which claims an additional breach of a condition specified in the order issued by the LTB on January 4, 2023 with respect to applications LTB-L-076347-23 and LTB-T-075028-22.

This application was decided without a hearing being held.

Determinations:

1. The previous 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 a certain condition in the order. This application was filed within 30 days of the breach.
2. I find that the Tenant has not met the following conditions specified in the order:

On January 5, 2023, the Tenant and/or his guests, visitors were captured on video leaving the rental unit and entering the non-smoking area as identified by the City in the residential complex with lit tobacco products.

The Tenant tampered with the smoke/carbon monoxide detector inside the rental unit. On January 19, 2023, the hard wired smoke alarm/detector was discovered hanging from the ceiling by its wires inside the Tenant's rental unit.

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2023 ONL TB 27245 (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 April 02, 2023.
2. If the unit is not vacated on or before April 02, 2023, then starting April 03, 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 03, 2023.

March 22, 2023

Date Issued

Kimberly Parish

Member, Landlord and Tenant Board

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

The Tenant has until April 01, 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 01, 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 03, 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.

