



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

**Citation:** Toronto Community Housing Corporation v Blanc, 2023 ONLTB 26386

**Date:** 2023-03-17

**File Number:** LTB-L-005354-23

**In the matter of:** 717, 340 Royal York Road  
Toronto Ontario M8Y2P9

**Between:** Toronto Community Housing Corporation Landlord

**And**

Iver Stanley Blanc Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Iver Stanley Blanc (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on March 23, 2022 (the 'Prior Order') with respect to application TSL-23637-21-SA.

This application was decided without a hearing being held.

### **Determinations:**

1. The Prior 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 on December 14, 2022, within 30 days of the breach identified during an inspection on or about November 17, 2022.
2. I find that the Tenant has not met the following condition specified in the Prior Order:
  - a) **The Tenant shall restore the unit to a safe, clean and reasonable state of cleanliness, free of excessive clutter and debris;**

- b) Specifically, with respect to the kitchen, the Tenant shall ensure that waste and debris is disposed of properly, in a timely manner, in order to prevent foul odours and the Tenant shall address and eliminate the foul odour that is emanating from the rental unit; and
- c) On or after April 16, 2022 the Tenant shall maintain the unit in compliance with paragraph 3 of the order, which paragraph included the two conditions set out in a) and b) above.

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- 3. The Landlord's declaration indicated that the Landlord's staff performed an inspection of the unit on or about November 17, 2022 in response to multiple complaints about a foul odour emanating from the unit. During the inspection it was noted that there was a foul odour emanating from the unit, the living room and bathroom were extremely dusty, the unit was in a substandard state of cleanliness and several garbage bags were strewn on the floor. The declaration included photos taken during the inspection in support of the above observations.
- 4. The Prior Order noted that the Landlord agreed to provide the Tenant's legal representative with 5 days' written notice before filing this application. The Landlord submitted, with this application, a copy of a December 6 2022 email to the Tenant's representative to this effect.
- 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 \$18.25. This amount is calculated as follows: \$555.00 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 March 28, 2023.
- 2. If the unit is not vacated on or before March 28, 2023, then starting March 29, 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 March 29, 2023.
- 4. The Tenant shall pay to the Landlord \$18.25 per day for compensation for the use of the unit starting March 18, 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 March 28, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from March 29, 2023 at 5.00% annually on the balance outstanding.

**March 17, 2023**

**Date Issued**

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Lynn Mitchell

Member, Landlord and Tenant Board

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

The Tenant has until March 27, 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 March 27, 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.

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In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 29, 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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