



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

Citation: Capreit Limited Partnership v Simser, 2023 ONLTB 26376

Date: 2023-03-17

File Number: LTB-L-005317-23

In the matter of: 2750 HAMBLEDON CRT
GLOUCESTER ON K1T1Y2

Between: Capreit Limited Partnership Landlord

And

Robert Simser Tenant

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Simser (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on October 26, 2022 with respect to application EAL-98275-21.

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. Order EAL-98275-21, contained the following relevant paragraph:

The Tenant agrees to maintain the rental premises in an ordinary state of cleanliness, clear of excessive clutter, garbage and free of a strong unpleasant odour emanating from the unit.

3. For the following reasons, I find that the Tenant has not met the following condition specified in the order.

4. In the Landlord's declaration filed with the Board notes in part, that on December 7, 2022 the Landlord conducted an inspection of the rental unit and found that the unit was not in a

state of ordinary cleanliness. Grime buildup throughout the unit and an extremely unpleasant odour was found.

5. Therefore, I find that the Tenant failed to maintain the unit in a state of ordinary cleanliness. As agreed to in the original order.

Order Page: 1 of 2

File Number: LTB-L-005317-23

2023 ONL TB 26376 (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 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.

March 17, 2023

Date Issued

Curtis Begg

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.

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.

Order Page: 2 of 2