



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

**Citation:** 1319399 Ontario Inc C/O GWL Realty Advisors Residential Inc v Woolcock, 2023 ONLTB 25931

**Date:** 2023-03-10 **File Number:**  
LTB-L-003474-23\_EX

**In the matter of:** 1602, 360 Torrance Street  
Burlington Ontario L7R2R9

**Between:** 1319399 Ontario Inc C/O GWL Realty Advisors Residential Inc Landlord

**And**

Derryon John Woolcock Tenant

1319399 Ontario Inc C/O GWL Realty Advisors Residential Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Derryon John Woolcock (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on November 5, 2021 with respect to application SOL-20645-21.

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. Paragraph Order LTB-L-003474-23, contained the following relevant paragraph:
  3. Neither the Tenant, guest or occupants shall interfere with the reasonable enjoyment of the Landlord or other Tenants or interfere with the lawful rights or privileges in the residential complex with respects in the form N5 of this application. The right of the Landlord to bring an application under section 78 of the *Residential Tenancies Act* will be limited to any breach of 18 months from the date of this order.

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

Order Page: 1 of 2

**File Number:** LTB-L-003474-23\_EX

4. In the Landlord's declaration filed with the Board notes in part, that on November 5, 2022, a minor of the Tenant was in an elevator unsupervised. The minor proceeded to repeatedly jump in the moving elevator causing the safety device to engage resulting in the elevator stopping.
5. With the Landlord's application they filed a copy of the N5 notice of termination that was subject to SOL-20645-21. The notice of termination contained allegations that are subject to the breach.
6. Based on the evidence provided by the Landlord, I am satisfied that the Tenant failed to meet a condition in the order. Therefore, the application is granted without a hearing being held and the tenancy shall terminate.

**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 21, 2023.
2. If the unit is not vacated on or before March 21, 2023, then starting March 22, 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 22, 2023.

**March 10, 2023**

**Date Issued**

---

**Curtis Begg**

Member, Landlord and Tenant Board

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

The Tenant has until March 20, 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 20, 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 22, 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.