



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

Citation: Ottawa Community Housing Corporation v Mele, 2023 ONLTB 23402

Date: 2023-03-03

File Number: LTB-L-001887-23

In the matter of: 805, 1041 Wellington Street West
Ottawa ON K1Y4K8

Between: Ottawa Community Housing Corporation Landlord

And

Claudio Joseph Mele Tenant

Ottawa Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Claudio Joseph Mele (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on March 1, 2022 with respect to application EAL-98655-21.

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. I find that the Tenant has not met the following condition specified in the order:

The Tenant failed to ensure that the Tenant, occupant and any person(s) the Tenant permits in the residential complex, does not substantially interfere with the reasonable enjoyment of the residential complex for all usual purposes, by the Landlord or other tenants, or substantially interfere with the lawful rights, privilege or interest of the Landlord or another tenant in the residential complex.

On October 29, 2022, Ottawa Community Housing Corporation (“OCHC”) Community Safety Services was contacted by another tenant to advise that the Tenant and the Tenant’s female guest were making a lot of noise inside the rental unit which included prolonged banging noise and the rental unit door being slammed.

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 14, 2023.
2. If the unit is not vacated on or before March 14, 2023, then starting March 15, 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 15, 2023.

March 3, 2023
Date Issued

Kimberly Parish
Member, Landlord and Tenant Board

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

The Tenant has until March 13, 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 13, 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 15, 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.