



**Order under Section 69
Residential Tenancies Act, 2006**

Citation: St. Thomas - Elgin Social Services v Van Raes, 2023 ONLTB 20729

Date: 2023-02-17

File Number: LTB-L-016311-22

In the matter of: 6, 253 Ridout Street Rodney
ON N0L2C0

Between: St. Thomas - Elgin Social Services

Landlord

And

Alanna Van Raes

Tenant

St. Thomas - Elgin Social Services (the 'Landlord') applied for an order to terminate the tenancy and evict Alanna Van Raes (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

This application was heard by videoconference on February 6, 2023. The Landlord's agents Lianne Pike, Jacky Bell and witness Bill Todd attended the hearing. As of 12:23pm, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On February 16, 2022, the Landlord gave the Tenant a first, voidable N5 notice of termination with a termination date of March 16, 2022. The notice was served via mail and as such, deemed served on February 21, 2022. The first N5 notice alleged that the Tenant had altered the locking system to the front door of the rental unit and that on February 8,

2022 the Tenant had stored items outside the rental unit and in the hallway of the residential complex, therefore, the Landlord was allowed to give the Tenant a second, nonvoidable N5 notice of termination under section 68 of the *Residential Tenancies Act, 2006* (Act).

4. On March 22, 2022, the Landlord gave the Tenant a second N5 notice of termination with a termination date of April 22, 2022. The notice of termination alleges that the Tenant has substantially interfered with the reasonable enjoyment of the Landlord or another tenant

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within the residential complex by storing furniture outside the rental unit and in the hallway of the residential complex on March 16, 2022.

5. I find that his conduct has substantially interferes with the Landlord's and/or another tenants' reasonable enjoyment lawful right, privilege or interest of the residential complex. The hallway of the residential complex is a shared space for all residents to commute to and from their respective units and not for the Tenant to store their personal belongings or furniture. The evidence before the Board also indicates that this conduct is in breach of the *Fire Protection and Prevention Act, 1997*.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

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 February 28, 2023.
2. If the unit is not vacated on or before February 28, 2023, then starting March 1, 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 1, 2023.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before February 28, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 1, 2023 at 5.00% annually on the balance outstanding.

February 17, 2023
Date Issued

Fabio Quattrociochi
Member, Landlord and Tenant Board

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

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 of the Tenant expires on September 1, 2023 if the order has not been filed on or before this date with
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the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.