



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

Citation: Haliburton Community Housing Corporation v Langstaff, 2023 ONLTB 20823

Date: 2023-02-15

File Number: LTB-L-016345-22

In the matter of: 305, 13 INDEPENDENCE STREET
HALIBURTON ON K0M1S0

Between: Haliburton Community Housing Corporation Landlord

And

Shelley Langstaff Tenant

Haliburton Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Shelley Langstaff (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 legal representative Donna Wood, agent Linda Johnson and witnesses Tammy Arthur and Wanda Evans attended the hearing.

As of 11:52am, 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 March 2, 2022, the Landlord gave the Tenant a first, voidable N5 notice of termination. With a termination date of April 1, 2022. The first N5 notice alleged substantial interference with reasonable enjoyment due to failure to obtain tenant and/or liability insurance. 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 18, 2022, the Landlord gave the Tenant a second N5 notice of termination with a termination date of April 5, 2022. The notice of termination alleges that on March 10, 16 & 17, 2022 the Tenant substantially interfered with the reasonable enjoyment of other

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residents by shouting profanity, yelling and slamming her front entrance door within the residential complex.

5. This conduct has substantially interfered with the Landlord's and/or another tenants' reasonable enjoyment of the residential complex.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from eviction:

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.
8. The Landlord provided evidence to support that since filing the L2 application, that the Tenant has continued to engage in similar conduct as plead on the second N5 notice.
9. The Tenant was not present at the hearing to dispute the Landlord's allegations and further was not present propose an alternative to eviction or give evidence that the conduct would be corrected going forward. As such, I will grant the Landlord's request for termination of tenancy.

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 26, 2023.
2. If the unit is not vacated on or before February 26, 2023, then starting February 27, 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 February 27, 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 26, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 27, 2023 at 5.00% annually on the balance outstanding.

February 15, 2023

Date Issued

Fabio Quattrociochi
Member, Landlord and Tenant Board

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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 August 27, 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.

