



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

Citation: Fellows v Wasley, 2023 ONLTB 20267

Date: 2023-02-14

File Number: LTB-L-077706-22

In the matter of: Upper, 135 Palling Avenue
Hamilton Ontario L8H5J5

Between: Kerry Fellows Landlord

And

Shelley Wasley Tenant

Kerry Fellows (the 'Landlord') applied for an order to terminate the tenancy and evict Shelley Wasley (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on October 20, 2022 with respect to application SOL-24752-21.

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. The previous order specified that the Tenant shall not substantially interfere with the Landlord's reasonable enjoyment of the residential complex by making or permitting guests to make noise to disturb the Landlord or members of his household. I find that the Tenant has not met the following conditions specified in the order:
 - i. On November 5, 2022, the Tenant was playing extremely loud music, was stomping and banging the doors. The Tenant walked around the house and banged on the front door and windows in the basement.
 - ii. On November 6, 2022, the Tenant approached the Landlord and made a harassing statement, was slamming doors playing loud music and stomping on the ground.

It is ordered that:

1. Order SOL-24752-21 is cancelled.

2. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before February 25, 2023.
3. If the unit is not vacated on or before February 25, 2023, then starting February 26, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. 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 26, 2023.

February 14, 2023

Date Issued

Emily Robb _____

Member, Landlord and Tenant Board

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

The Tenant has until February 24, 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 February 24, 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 August 26, 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.