



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

Citation: Manitoulin-Sudbury District Services Board v Clapson, 2023 ONLTB 18576

Date: 2023-02-07

File Number: LTB-L-073433-22

In the matter of: 209, 76 Wellington Street
Manitowaning ON P0P1N0

Between: Manitoulin-Sudbury District Services Board Landlord

And

Solar Clapson Tenant

Manitoulin-Sudbury District Services Board (the 'Landlord') applied for an order to terminate the tenancy and evict Solar Clapson (the 'Tenant') because the Tenant did not comply with a condition in Board review order NOL-43872-21-RV, issued on July 28, 2022.

This application was heard by videoconference on January 30, 2023.

Only the Landlord's representative (full-time employee) Kristian Thorne and the Landlord's witness Rhonda McCauley ('RM') attended the hearing.

As of 9:35AM, 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. The Tenant did not log-in at any time during the hearing block. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord's witness RM has been a full-time employee of the Landlord for over 20 years. RM's responsibilities include managing tenancies. RM testified that she attended at the rental unit on October 6, 2022 to determine whether the Tenant had complied with the July 28, 2022 Board review order by bringing and maintaining the rental unit in a state of ordinary cleanliness.
2. RM gave testimony of what she observed, describing hallways made inaccessible with clutter and an excessive accumulation of combustible materials. The Landlord submitted photographs RM took of the rental unit during the October 6, 2022 inspection. Although the images show that the kitchen counter is reasonably free of clutter, I agree that the photographs show that the Tenant has not brought and maintained the rental unit in a state of ordinary cleanliness. The Tenant has accumulated excessive amounts of material in the rental unit, including boxes and other flammable items. These materials prevent one from accessing and using the balcony and areas of the living room, hallways and kitchen. RM further testified that the Tenant's failure to comply with the July 28, 2022 conditional review

order has prevented the Landlord from effectively treating the rental unit and residential complex for the presence of mice and cockroaches.

3. Based on the evidence, I find that the Landlord proved, on a balance of probabilities, that the Tenant did not comply with the July 28, 2022 conditional review order. The Tenant did not bring and maintain the rental unit in a state of ordinary cleanliness.
4. The Tenant did not attend the hearing to give evidence of their circumstances, or to dispute the Landlord's application to terminate the tenancy and evict the Tenant. The only circumstances to consider were the Landlord's. RM testified that the ongoing condition of the rental unit interferes with the Landlord's ability to treat the property for pests and that the amount of combustible material the Tenant has accumulated represents a safety hazard. Based on the evidence, I find it would be unfair in the circumstances to deny the Landlord's application or delay the enforcement of the eviction beyond February 18, 2023.
5. The monthly rent is \$146.00. The Landlord is not holding a rent deposit.

It is ordered that:

1. The tenancy between the Landlords and the Tenant is terminated. The Tenant shall move out of the rental unit on or before February 18, 2023.
2. If the unit is not vacated on or before February 18, 2023, then starting February 19, 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 19, 2023.

February 7, 2023

Date Issued

Harry Cho

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 expires on August 19, 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.