



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

Citation: Toronto Community Housing Corp. v Smith, 2023 ONLTB 18433

Date: 2023-02-07

File Number: LTB-L-077103-22

In the matter of: 3004, 200 WELLESLEY STREET EAST
TORONTO ONTARIO M4X1G3

Between: Toronto Community Housing Corp. Landlord

And

Candice Smith Tenant

Toronto Community Housing Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Candice Smith (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on September 27, 2022 with respect to application LTB-L-031873-22.

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 breached the Agreement by permitting Gregson Sitaram in the residential complex.** On December 1, 2022 Gregson Sitaram was found in the residential complex using the elevators with the Tenant. Photographs and the notes of the Special Constable who made the observation were submitted to establish the breach.

It is ordered that:

1. Order LTB-L-031873-22 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 18, 2023.
3. 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.

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 19, 2023.

February 7, 2023
Date Issued

Amanda Kovats
Member, Landlord and Tenant Board

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

The Tenant has until February 17, 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 17, 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 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.