



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

**Citation:** MEDALLION CORPORATION v MEZA, 2023 ONLTB 18313

**Date:** 2023-02-07

**File Number:** LTB-L-061214-22

**In the matter of:** PH15, 565 SHERBOURNE STREET TORONTO  
ONTARIO M4X1W7

**Between:** Medallion Corporation Landlord

**And**

Bessy Jennibeth Meza Tenant

Medallion Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Bessy Jennibeth Meza (the 'Tenant') because:

- because the Tenant or another occupant of the rental unit committed or carried on an illegal act, trade, business or occupation in the rental unit or residential complex; and
- because the Tenant, an occupant of the rental unit or someone the Tenant permitted in the residential complex seriously impaired the safety of a person in the residential complex.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on January 23, 2023.

The Landlord's Agent, Yvonne Yorke, the Landlord's Legal Representative, Samuel Korman, the Tenant and the Tenant's witness, Paul Punnett ('PP') attended the hearing. The Tenant spoke with Duty Counsel prior to the hearing.

**Determinations:**

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. However, the tenancy shall continue subject to the conditions set out in this order.

2. The Landlord gave the Tenant valid N5 and N6 notices of termination on July 29, 2022. Both notices allege that, on July 28, 2022, the Tenant's dog bit a male in the lobby of the residential complex. The Tenant does not dispute the allegations contained in the notices of termination.
3. I am satisfied that the Tenant or another occupant of the rental unit committed an illegal act at the residential complex. The Tenant says the dog is a breed of pit bull, boxer, and English bulldog who was abused prior to her owning it. Ownership of a pit bull or a breed of

**File Number:** LTB-L-061214-22

pit bull is prohibited by s.6 of the *Dog Owners' Liability Act*, RSO 1990, c D.16 (DOLA). Section 5.1 of DOLA provides that the owner of a dog shall exercise reasonable precautions to prevent it from biting or attacking a person.

4. I am satisfied that the Tenant likely did not take reasonable precautions to prevent the dog from biting another person at the residential complex. Video of the incident reveals that, at the time of the incident, the dog was not muzzled. I am also satisfied that the offence has the potential to affect the character of the premises or disturb the reasonable enjoyment of the landlord or other tenants.
5. Given the breed of the dog and the ban on pit bulls in Ontario, I am satisfied that the breed is likely inherently dangerous to the safety of the Landlord or the other tenants: see s.76(1)(c) of the *Residential Tenancies Act, 2006* (the 'RTA').
6. Given the fact that the dog was abused, that the dog bit another person, and that dog bites have the potential or a real risk to cause serious injuries, I am also satisfied that the Tenant, an occupant of the rental unit or someone the Tenant permitted in the residential complex seriously impaired the safety of a person in the residential complex.
7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the RTA and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the RTA.
9. While the Landlord seeks termination of the tenancy, I find that the circumstances and the remedial nature of the RTA weighs in favour of granting relief from eviction. The Tenant has taken steps to ensure that her dog does not reoffend. It was undisputed that the Tenant, her roommate, and the dog have successfully completed a 6-week training program using the services of PP, who is a trainer for the past 10 years. Further, the Tenant is agreeable to abide by the conditions set out below.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant continues subject to the conditions set out below.
2. For a period of 12 months from the date of this order, the Tenant, the occupants, or guests of the rental unit shall ensure that the dog is always muzzled when in the common areas of the residential complex.
3. For a period of 12 months from the date of this order, the Tenant, the occupants, or guests of the rental unit shall ensure that the dog is muzzled inside the rental unit if the dog is left home alone and unattended. This is to ensure there is no risk to others should the Landlord need to enter the rental unit in case of an emergency.
4. If the Tenant fails to comply with the conditions set out in paragraphs 2 and 3 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the

**File Number:** LTB-L-061214-22

application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.

5. The Tenant shall also pay to the Landlord \$201.00 for the cost of filing the application.
6. If the Tenant does not pay the Landlord the full amount owing on or before February 18, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 19, 2023 at 5.00% annually on the balance outstanding.

**February 7, 2023**  
**Date Issued**

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Khalid Akram  
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.

