



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

Citation: Summerhill Apartments v Froggatt, 2023 ONLTB 15892

Date: 2023-01-20

File Number: LTB-L-049120-22

In the matter of: 112, 284 KINGSDALE AVE KINGSTON
ON K7M8R9

Between: Summerhill Apartments Landlord

And

Susie Froggatt Tenant

Summerhill Apartments (the 'Landlord') applied for an order to terminate the tenancy and evict Susie Froggatt (the 'Tenant') because the Tenant has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

This application was heard by videoconference on January 16, 2023.

Only the Landlord's Agent, Bryan McDonald, attended the hearing.

As of 1:31 p.m., 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. The Tenant was in possession of the rental unit on the date the application was filed.
2. The rental complex contains 67 rental units.

N7 Notice of Termination

3. On August 30, 2022, the Landlord gave the Tenant an N7 notice of termination. The notice of termination contains the following allegations: that the Tenant's hydro was disconnected on August 2, 2022, by Hydro One for non payment; on August 4, 2022, the Tenant's Fire Link protection system was not attached as per building safety standards and the Tenant was using open flame candles for lighting; on August 30, 2022, the Tenant still had not paid her hydro bill and the electricity was still off in her rental unit.
4. The Landlord's Agent stated that the Tenant's behaviour is a serious impairment of safety to everyone living in the rental complex. The Tenant disconnected the Fire Link system in her rental unit and was using open flame candles for lighting without any regard for the

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safety of the residents. This dangerous behaviour occurred between August 2, 2022 and November 15, 2022.

5. The Landlord's Agent explained that as part of every tenant's lease in the rental complex, each Tenant is expected to set up accounts and pay their own utilities expenses directly.
6. The Landlord's Agent further added that due to the Ontario Electrical Authority's winter rules regulations that Hydro One cannot cut off electric service to customers between November 15 and April 30. This means that Tenant currently has the hydro on without paying. However, a very large bill will be coming due once the winter rules period expires.
7. The Landlord's Agent then stated that April 15, 2023, will bring the increased fire risk to building back again if nothing is done to prevent the situation from continuing.
8. Therefore, having considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), I find that it would not be unfair to postpone the eviction until January 31, 2023 pursuant to subsection 83(1)(b) of the Act. This would allow the Tenant time to pay her hydro bill with Hydro One or find another place to live.
9. This order contains all of the reasons in this matter and no further reasons shall be issued.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
2. The Tenant may void this order and continue the tenancy by paying up her Hydro One bill in full and having her electricity service fully restored in the rental unit by January 31, 2023.
3. **If the Tenant does not have her Hydro One bill paid in full and have her electricity service restored as required then the Tenant must move out of the rental unit on or before January 31, 2023.**

4. If the unit is not vacated on or before January 31, 2023, then starting February 1, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
5. 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 1, 2023. The Sheriff is requested to expedite the enforcement of this order.

January 20, 2023
Date Issued

Michael Di Salle
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.

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In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on August 1, 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.

