



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

Citation: LAKESHORE PROPERTIES GP LTD v MCFAUL, 2023 ONLTB 15586

Date: 2023-01-18

File Number: LTB-L-064737-22

In the matter of: B26, 2547 LAKESHORE BLVD WEST
TORONTO ONTARIO M6B1E5

Between: LAKESHORE PROPERTIES GP LTD Landlord

And

DAWN MCFAUL Tenant

LAKESHORE PROPERTIES GP LTD (the 'Landlord') applied for an order to terminate the tenancy and evict DAWN MCFAUL (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on August 30, 2022 with respect to application LTB-L-003103-21.

The application was heard on January 11, 2023. The Landlord's representative David Ciobotaru, and the Landlord's Property Manager Krista Taylor, attended the hearing. The Tenant was not in attendance when the hearing block concluded.

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. On consent, the Tenant was ordered to prepare the rental unit for pest control treatments on or before September 13, 2022. The Landlord and the Landlord's pest control company have been at the unit at least five times and the unit has not been prepared. This is causing pest control issues in other units in the residential complex.
3. Ms. Taylor testified that no one answers the door and when the unit is entered with proper notice, there are several people passed out on the floor.
4. I find the Tenant has not complied with the conditions set out in order LTB-L-003103-21 to prepare the unit for pest control.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before January 29, 2023.
2. If the unit is not vacated on or before January 29, 2023, then starting January 30, 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 January 30, 2023.

January 18, 2023

Date Issued

Greg Joy
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 July 30, 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.