



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

Citation: Capreit Limited Partnership v Lewis, 2023 ONLTB 14673

Date: 2023-01-13

File Number: LTB-L-073250-22

In the matter of: 302, 355 St. Clair Avenue West
Toronto Ontario M5P1N5

Between: Capreit Limited Partnership Landlord

And

Florence Lewis Tenant

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Florence Lewis (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on September 21, 2022 with respect to application TSL-26562-22.

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 and/or the Tenant's guests or occupants failed to refrain from smoking in the residential complex on the following dates:

September 25, 2022, at or about 10:30pm

October 1, 2022, at or about 6:45am

October 11, 2022, at or about 10:45pm

October 12, 2022, at or about 9:15pm **It is ordered**

that:

1. Order TSL-26562-22 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 January 24, 2023.

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3. If the unit is not vacated on or before January 24, 2023, then starting January 25, 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 January 25, 2023.

January 13, 2023

Date Issued

Vladislav Shustov

Member, Landlord and Tenant Board

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

The Tenant has until January 23, 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 January 23, 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 July 25, 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.