



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

**Citation:** Garafraxa Non-Profit Homes Inc. v Andersen, 2022 ONLTB 14268

**Date:** 2022-12-14

**File Number:** LTB-L-043465-22

**In the matter of:** 204, 329 Garafraxa Street North  
Durham ON N0G1R0

**Between:** Landlord

**And**

Jordan Andersen Tenant

2022 ONLTB 14268 (CanLII)

Garafraxa Non-Profit Homes Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Jordan Andersen (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred 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 November 3, 2022.

The Landlord's representative, C. Bertrand, the Landlord's agent, S. Huber, the Tenant, and the Tenant's representative, S. Reid, attended the hearing.

**Determinations:**

1. The Tenant has seriously impaired the safety of another tenant by assaulting (body checking, punching and kicking) the other tenant in the stairwell of the residential complex. The victim required medical attention.
2. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
3. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), 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 Act.
4. There is no doubt that the Tenant's conduct is serious and violent conduct in particular must not be condoned. The other tenant was also traumatized by the assault. However,

the Tenant has a development disability and requires assistance with activities of daily living, There are supports in place to enable her to live in the residential complex and her support system would be seriously disrupted by an eviction. Moreover, she is expecting an child. The assault is an isolated incident. There were no previous incidents of concern.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. For a period of 18 months after the date of the hearing, the Tenant shall not assault or otherwise seriously impair the safety of any person.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 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 application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before December 19, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 20, 2022 at 4.00% annually on the balance outstanding.

**December 14, 2022**

**Date Issued**

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Egya Sangmuah

Vice Chair, 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.