



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

Citation: Northern Diversified Ltd. v Wrigley, 2022 ONLTB 14180

Date: 2022-12-13

File Number: LTB-L-034483-22

In the matter of: 100, 92 Maple Ave
Barrie ON L4N1S2

Between: Northern Diversified Ltd. Landlord

And

Donna Wrigley Tenant

Northern Diversified Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Donna Wrigley (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.

This application was heard by videoconference on December 6, 2022. Only the Landlord's agents Nichole Jaques and Budd Dewilde attended the hearing. As of 9:30am, the Tenant was not present, despite being served with notice of hearing by the Board.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy.
2. The Landlord's application is based on an N7 notice of termination served to the Tenant on June 20, 2022 with a termination date of June 30, 2022. The N7 notice alleges that a person the Tenant permitted into the residential complex has seriously impaired the safety of another person within the residential complex.
3. The residential complex is a detached dwelling consisting of 14 rooms each individually rented out.
4. On June 19, 2022 at approximately 11:00pm, a fight broke out between another resident and one of the Tenant's guests. During the altercation, the Tenant's guest stabbed the other resident in the back with a used syringe.
5. Mr. Dewilde, the Landlord's superintendent attended the residential complex shortly after the incident and spoke with the Police and the parties involved in the altercation. Mr. Dewilde testified that the Tenant's guest admitted to stabbing the other resident.

6. Section 66(1) of the *Residential Tenancies Act, 2006* (the Act) states:

66 (1) A landlord may give a tenant notice of termination of the tenancy if,

- (a) an act or omission of the tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant seriously impairs or has seriously impaired the safety of any person; and
- (b) the act or omission occurs in the residential complex.

7. Based on the uncontested evidence before the Board, I am satisfied that the Tenant's guest seriously impaired the safety of another resident within the residential complex on June 19, 2022 by stabbing them in the back with a used syringe. In *Furr v. Courtland Mews Cooperative Housing Inc., 2020 ONSC 1175* (CanLII) the Divisional Court confirmed that serious impairment of safety includes both actual impairment and a real risk of impairment.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

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 December 18, 2022.
2. If the unit is not vacated on or before December 18, 2022, then starting December 19, 2022, 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 December 19, 2022. The Sheriff is requested to expedite the enforcement of this order.
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 18, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 19, 2022 at 4.00% annually on the balance outstanding.

December 13, 2022
Date Issued

Fabio Quattrociocchi
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 of the Tenant expires on June 19, 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.