



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Constable v Homewood, 2022 ONLTB 13118

Date: 2022-11-30

File Number: LTB-L-003816-22-RV

In the matter of: 629 George St N
Peterborough ON K9H3S5

Between: Lucas R Constable Landlord

And

Audra Homewood, Chantal Homewood, Paul Elmhirst Tenant

Review Order

This application was resolved by order LTB-L-003816-22 issued on October 21, 2022.

On October 25, 2022, the Landlord requested a review of the order.

The request was heard in by videoconference on November 23, 2022. The Landlord's representative Pat Cassidy, and the Tenants, Audra Homewood and Chantal Homewood, attended the hearing.

Determinations:

1. The Landlord was not reasonably able to participate at the original hearing. The application was heard de novo.
2. The Landlord served an N7 notice on the Tenants claiming that the Tenant attacked another tenant, was in the street screaming at cars, and instigated a fight leaving another tenant with a bloody lip, and that the Tenants have caused wilful damage to the rental unit.
3. The Tenant who caused the fights was Paul Elmhirst. Mr. Elmhirst no longer resides in the rental unit.
4. The incident related to screaming at cars did not occur on the residential complex therefore the Board does not have jurisdiction.

5. Considering the fact that the actions that gave rise to the notice involved a tenant who no longer resides in the rental unit, I find it would be unreasonable to terminate the tenancies of the remaining tenants.

6. The notice provided no details related to the accusation the Tenants have wilfully damaged the rental unit therefore the tenancy cannot be terminated for damage based on the notice the Landlord served.

It is ordered that:

1. The request to review order LTB-L-003816-22 issued on October 21, 2022 is granted.
2. The Landlord's application is dismissed.

November 30, 2022

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.

