



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

File Number: LTB-L-108738-25

In the matter of: 3, 792 SOMERSET ST W
OTTAWA ON K1R6R2

Between: 2328805 Ontario LTD. Landlord

And

Samuel Gallacher Tenant

2328805 Ontario LTD. (the 'Landlord') applied for an order to terminate the tenancy and evict Samuel Gallacher (the 'Tenant') and for an order because the Tenant did not meet a condition specified in the order issued by the LTB on December 8, 2025 with respect to application LTB-L-067362-25.

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 conditions as specified in Paragraphs 2 to 8 in the December 8, 2025 consent order:

"2. The Tenant shall restore the rental unit to an ordinary state of cleanliness by December 10, 2025, free of excessive clutter and in accordance with section 33 of the Act.

3. The Tenant shall remove excessive clutter, hoarded items and furniture from the unit to eliminate the fire hazard and allow for safe entry and exit from the unit. The unit must comply with fire safety and municipal property standards.

4. The Tenant shall clear clutter and obstructions from all hallways and doorways, both inside and outside the of the rental unit. This includes the common areas of the residential complex.

5. The Tenant shall dispose of all garbage, waste, and unsanitary materials inside the rental unit, including any food.

6. The Tenant shall clean and declutter the rental unit to prepare for the pest control company to come in for treatment.

7. The Tenant shall maintain the rental unit in a clean, sanitary, and safe condition. This includes keeping the unit free from clutter, garbage, and safety hazards.

8. The unit shall be maintained at a Level 1 on the Clutter Scale referenced in Schedule 1 of this order."

The Tenant has not restored the rental unit to an ordinary state of cleanliness by December 10, 2025, free of excess clutter and in accordance with section 33 of the Act. After providing a 24-hour written notice, the Landlord conducted an inspection of the rental unit on December 11, 2025. It was concluded the Tenant has not restored rental unit to a state of ordinary cleanliness by removing the excessive clutter, garbage and hoarded items as supported by the photographs produced by the Landlord.

3. The previous application includes a request for an order for compensation for damage and the order requires the Tenant to pay an amount for damage. Accordingly, the Landlord is entitled to request an order for compensation for damage.
4. This order replaces order LTB-L-067362-25.
5. The Landlord collected a rent deposit of \$600.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from March 1, 2020 to January 9, 2026.
7. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.
8. The Landlord is entitled to daily compensation from the day after this order is issued to the date the Tenant moves out of the unit at a daily rate of \$19.73. This amount is calculated as follows: \$600.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-067362-25 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 20, 2026.
3. If the unit is not vacated on or before January 20, 2026, then starting January 21, 2026, 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 21, 2026.
5. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit is \$663.07*.

6. However, the Landlord is authorized to deduct the following from the amount the Landlord owes the Tenant: \$19.73 per day for compensation for the use of the unit starting January 10, 2026 to the date the Tenant moves out of the unit.
7. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

January 9, 2026

Date Issued

Kimberly Parish

Vice Chair, Landlord and Tenant Board

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

The Tenant has until January 19, 2026 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 19, 2026 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 21, 2026 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.

* Refer to the attached Summary of Calculations.

Summary of Calculation**Amount the Tenant must pay the Landlord:**

Reason for amount owing	Period	Amount
Less the rent deposit:		-\$600.00
Less the interest owing on the rent deposit	March 1, 2020 to January 9, 2026	-\$63.07
Plus daily compensation owing for each day of occupation starting January 10, 2026		\$19.73 (per day)
Total the Tenant must pay the Landlord:		- \$663.07 +\$19.73 per day starting January 10, 2026