



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

File Number: LTB-L-001687-26

In the matter of: Upper Room 1, 138 CARLTON ST
ST CATHARINES ON L2R7S6

Between: Ashley Demerling Landlord

And

Endrew Otwine Tenant

Ashley Demerling (the 'Landlord') applied for an order to terminate the tenancy and evict Endrew Otwine (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on December 12, 2025 with respect to application LTB-L-095630-25.

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 condition specified in the order:

The Tenant failed to immediately inform the Landlord of any inoperative smoke detectors on the Upper Floor of the residential complex.

On December 19, 2025 at 9:18 am, the Landlord served the Tenant with a Notice of Entry advising that the Landlord would be attending the rental unit on December 20, 2025 between 10:00 am - 2:00 pm. The purpose was to inspect the rental unit and ensure compliance with safety requirements including the proper installation and operation of the smoke detectors. Additionally, the Notice of Entry indicated that potential buyers would attend to view the unit and assessments of the condition of the unit would be made. During the inspection, the Landlord observed that the smoke detector in the main hallway had again been disconnected and was hanging by a single wire with the second wire fully detached rendering the device inoperable and unsafe. Photographs were taken by the Landlord.

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 January 23, 2026.
2. If the unit is not vacated on or before January 23, 2026, then starting January 24, 2026, 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 January 24, 2026.

January 12, 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 22, 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 22, 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 24, 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.