



Order under Section 69 Residential Tenancies Act, 2006

Citation: Giesbrecht v CARVALHO, 2026 ONLTB 17708

Date: 2026-03-03

File Number: LTB-L-098234-25

In the matter of: 6215 PLANK RD
VIENNA ON N0J1Z0

Between: Frankie Giesbrecht Landlord

And

DERRICK CARVALHO Tenants
ELIZABETH BARNETT

Frankie Giesbrecht (the 'Landlord') applied for an order to terminate the tenancy and evict DERRICK CARVALHO and ELIZABETH BARNETT (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex have substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant;
- the Tenants or another occupant of the rental unit have committed an illegal act or have carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex.

The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on February 23, 2026.

The Landlord's legal representative, D. Glowka, and the Tenant, D. Carvalho, attended the hearing.

Agreed Facts

1. The Tenants have worked to clear up personal belongings and debris scattered around the residential complex.
2. The Tenants are permitted to work on their personal vehicle(s), if insured and licensed, in the garage.

At the hearing, the parties consented to the following order. I was satisfied that the parties understood the consequences of their consent.

On consent of the parties, it is ordered that:

1. The tenancy between the Landlord and the Tenants continues if the Tenants meet the conditions set out below.
2. The Tenants shall not conduct an illegal business on the residential complex.
3. The Tenants shall not operate a commercial mechanic shop on the property.
4. The Tenants' behaviour on the residential complex shall not lead to further complaints from the municipality.
5. If the Tenants fail to comply with the conditions set out in paragraphs #4, #5 and #6 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 Tenants. 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 Tenants.

March 3, 2026
Date Issued

Nancy Morris
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.