



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

File Number: LTB-L-039651-26

In the matter of: 312, 117 MONT ADAM ST
SUDBURY ON P3B0E1

Between: Raiffeisen Phase 2 Non Profit Landlord

And

Melissa Hopkin Tenant

Raiffeisen Phase 2 Non Profit (the 'Landlord') applied for an order to terminate the tenancy and evict Melissa Hopkin (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on April 2, 2026, with respect to application LTB-L-075133-25.

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 in Paragraphs 2, 3 and 4 as specified in the April 2, 2026 order:

"2. On or before April 30, 2026, the Tenant shall ensure that any litter boxes in her rental unit are cleaned and that no foul odours are emanating from her rental unit.

3. The Tenant shall thereafter ensure that the pet litter boxes inside of her rental unit are maintained in order to ensure that the odour of pet urine and pet feces does not emanate from her rental unit.

4. The Tenant shall not yell aggressively other residents of the residential complex."

On May 4, 2026, the Landlord received three complaints regarding litter box fumes in the hallway outside the rental unit and carrying into neighboring units from May 1 to May 4, 2026. The Landlord Representative, Sheri Whitsitt (SW), attended the hallway outside of the Tenant's rental unit and found the smell to be overpowering. Two other tenants were present in the hallway at that time and complained about the smell. SW confirmed that the smell was emanating from the Tenant's rental unit.

SW then went inside one of the neighbouring units and found the smell to be traveling inside that unit from the hallway despite the efforts that resident had made to prevent the smell from entering from the hallway.

On May 5, 2026, after being served a notice of entry for inspection 24 hours prior, the Tenant refused entry to her unit via text message in an aggressive manner. Landlord's staff and SW attempted to enter the rental unit by knocking on the door, but the Tenant would not come to the door. SW chose not to enter the rental unit due to the Tenant's past aggressive behavior with SW. This information was based on evidence presented in writing on the Landlord's L4 application.

3. The Tenant was required to pay \$186.00 for compensation for damage and the application filing fee in the previous order. The amount that is still owing from that order is \$186.00 and that amount is included in this order. This order replaces order LTB-L-075133-25.
4. The Landlord collected a rent deposit of \$1,073.00 from the Tenant and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenant for the period from November 1, 2022, to May 11, 2026.
6. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.
7. 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 \$39.22. This amount is calculated as follows: \$1,193.00 x 12, divided by 365 days.

It is ordered that:

1. Order LTB-L-075133-25 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 May 22, 2026.
3. If the unit is not vacated on or before May 22, 2026, then starting May 23, 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 May 23, 2026.
5. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the cost of filing the previous application the Landlord is entitled to by \$979.33*.
6. However, the Landlord is authorized to deduct the following from the amount the Landlord owes the Tenant: \$39.22 per day for compensation for the use of the unit starting May 12, 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.

May 11, 2026
Date Issued

James McMaster
Member, Landlord and Tenant Board

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

The Tenant has until May 21, 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 May 21, 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 November 23, 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
Amount of compensation for damages owing from previous order		\$186.00
New NSF cheque charges and related administration charges		\$0.00
Less the rent deposit:		-\$1,073.00
Less the interest owing on the rent deposit	November 1, 2022, to May 11, 2026	-\$92.33
Plus, daily compensation owing for each day of occupation starting May 12, 2026		\$39.22 (per day)
Total the Tenant must pay the Landlord:		- \$(979.33) +\$39.22 per day starting May 12, 2026