



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

File Number: LTB-L-037439-26

In the matter of: 1103, 801 UPPER GAGE AVE
HAMILTON ON L8V4R7

Between: CityHousing Hamilton Corporation Landlord

And

Carole Nixon Tenant

CityHousing Hamilton Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Carole Nixon (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on April 8, 2025, with respect to application LTB-L004794-25.

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 specified in the order:

The Tenant failed to maintain the rental unit, including the balcony, in an ordinary state of cleanliness, and free of clutter, garbage and debris.

The Tenant shall permit assigned maintenance service persons, and pest control service people, assigned to the building, and or maintenance and service requests to complete the work required in accordance with the Landlords policies and procedures.

On April 2, 2026 the Landlord's Intensive Case Manager made advised the Tenant that there would be an inspection of the rental unit on April 7 2026. Arrangements were made to have pest control attend on April 8, 2026. The Tenant advised that she would not be available for an inspection on April 7, 2026. An alternate date was scheduled for April 8, 2026. The Tenant advised that she would not be available for the inspection scheduled for April 8, 2026. On April 8, 2026 pest control was allowed entry into the unit but could not perform a full treatment due to the unit conditions.

On April 24, 2026, the Landlord's pest control team attended the rental unit to conduct a pest control treatment. It was observed in the kitchen that there was dirt, garbage, and food packages on the floor. Garbage was piled up against the oven.

The sink was full of dirty dishes and grime on the counter tops. In the living room there was dirt on the flooring. Piles of boxes and clothing were observed throughout the room. The bathroom was not accessible as there was garbage piled in front of the doorway. It was noted that the sink and bathtub were full of items.

There were piles of clothing bags blankets and books against the bedroom walls. The floor of the entrance way was covered with dirt and piles of garbage up were observed against the walls.

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

May 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 May 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 May 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 November 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.