



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-012710-26

In the matter of: 409, 110 Boteler St.
Ottawa ON K2C 0R3

Between: Gatineau View Apartments Ltd. Landlord

and

Brendan Fitzgibbons Tenant

Gatineau View Apartments Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Brendan Fitzgibbons (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

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

The parties attended a Hearing scheduled on May 27, 2026 by videoconference where the parties agreed to participate in Board facilitated mediation with the assistance of Dispute Resolution Officer (DRO) Denise Hannivan.

The Landlord's Agent Amy Pike, the Tenant, and the Tenant's Support Person and father Kevin Fitzgibbons participated in the mediation. The Tenant received legal advice about this application.

As a result of the mediation, the parties requested an order on consent and I am satisfied that the parties understand the consequences of their consent, including waiving their right to a hearing on this application.

Agreed facts:

- 1) There may be issues with the Landlord's Notice to End Tenancy (N5 Notice) and L2 Application that could affect outcomes at a hearing, however the parties are aware of this and still wish to move forward with this order on consent.
- 2) The current rent is \$1,524.20. It is due on the 1st day of each month.

- 3) The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs. The Landlord will only collect this fee IF there is a breach of this order.
- 4) Should there be a breach of this order and the Landlord intends to file an application for eviction based on a breach of the S.78 terms per paragraph 4 of this Order on Consent, the Landlord will notify the Tenant.
- 5) The Tenant agrees not to smoke in the rental unit per the conditions of the lease.

On consent of the parties, it is ordered that:

1. The application is amended to correct the address of the rental unit to Unit 409, 110 Boteler **St.**, Ottawa and the application is amended to add the details from the N5 to Reason 5 of the application.
2. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
3. For a period of six (6) months, from May 27, 2026 to November 26, 2026, the Tenant, another occupant of the rental unit, or the Tenant's guests shall not substantially interfere with the Landlord's or another tenant's lawful rights, privileges, and interests and/or reasonable enjoyment of the residential complex. More specifically, the Tenant or another occupant or guest of the Tenant's rental unit shall not engage in the behaviours described in the N5 Notice of Termination dated February 2, 2026. Specifically, the Tenant or another occupant or guest of the Tenant's rental unit shall:
 - a) Not play loud music;
 - b) Not raise voices;
 - c) Not slam doors;
 - d) Ensure no other loud noises emanate from the rental unit.
4. If the Tenant fails to comply with the conditions set out in paragraph 3 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 Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is usually made to the LTB without notice to the Tenant, however the Landlord *will* notify the Tenant.
5. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application only if there is a breach and the Landlord applies for an eviction per paragraph 4 of this order.
6. If the Tenant does not pay the Landlord the full amount owing per paragraph 5 of this order within 30 days of notification of the Landlord applying to the LTB per paragraph 4 of this order, the Tenant will start to owe interest. This will be simple interest calculated at 4.00% annually on the balance outstanding starting 31 days after the Landlord provides notification to the Tenant of their application per paragraph 4 of this order.

7. This order is in full and final settlement of this application.

May 29, 2026
Date Issued

Denise Hannivan
Hearings Officer, 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.