



Order under Section 69 Residential Tenancies Act, 2006

Citation: Bedford Properties & Estates Ltd. v McCarthy, 2026 ONLTB 46513

Date: 2026-06-11

File Number: LTB-L-016442-26

In the matter of: 109, 385 GIBB ST
OSHAWA ON L1J1Z4

Between: Bedford Properties & Estates Ltd. Landlord

And

Douglas McCarthy Tenant

Bedford Properties & Estates Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Douglas McCarthy (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.

This application was heard by videoconference on June 3, 2026. The Landlord's agent, Kendra-Kim Garrick and the Landlord's legal representative, Howard Levenson attended the hearing.

The application was amended to remove the Landlord's claim for daily compensation. This order reflects that change.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the application is granted, and the Landlord is entitled to an eviction order.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On November 13, 2025, the Landlord gave the Tenant a first, voidable N5 notice of termination. Therefore, the Landlord was allowed to give the Tenant a second, non-voidable N5 notice of termination under section 68 of the *Residential Tenancies Act, 2006* (Act).

4. On January 28, 2026, the Landlord gave the Tenant a second N5 notice of termination. The notice of termination contains in part, that on November 6, 2025, the Landlord's building management team attended the rental unit and witnessed unsanitary conditions of the rental unit, namely human feces. This inspection was as a result of tenant complaints regarding the foul smell emanating from the rental unit.
5. At the hearing, the Landlord testified that the condition of the rental unit remains the same and that the Landlord has attempted to meet with community service providers and the Tenant's family for assistance. None have been able to assist the Tenant.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
8. As noted, the Tenant did not attend the hearing of this matter and thus I did not have the opportunity to hear their evidence regarding their circumstances. or to dispute the Landlord's application for an eviction order.

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 June 22, 2026.
2. If the unit is not vacated on or before June 22, 2026, then starting June 23, 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 June 23, 2026.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.

June 11, 2026
Date Issued

Curtis Begg
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on December 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.