



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-019471-26

In the matter of: 4, 291 EAST 38TH ST
HAMILTON ON L8V4G2

Between: Vieira Capital Inc. Landlord

And

Maria Joly Tenant

Vieira Capital Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Maria Joly (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 18, 2026.

The Landlord's Representative, Joel Cross, the Landlord, Cathy Vieira, the Tenant's Representative, Merima Menzildzic, the Tenant, and the Tenant's Support, Liz Gonsalves attended the hearing.

The parties before the LTB consented to the following order:

It is ordered on consent that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. The Tenant shall on or before July 3, 2026, remove all open feeding baskets, open feeding stations, and open feeding containers from the residential complex.
3. The Tenant shall immediately cease spreading, placing, or depositing birdseed, peanuts, nuts, food, or any other feed directly onto the ground anywhere within the residential complex.
4. The Tenant may maintain 2 enclosed hanging birdfeeders within the residential complex provided that:
 - a) Each is enclosed and designed to minimize dispersal of feed, seed, and nuts onto the surrounding areas, and
 - b) Each feeder is secured above ground level and not placed on the ground.

5. The Tenant shall inspect the ground area surrounding the 2 enclosed hanging bird feeders at least once every 14 days and remove all accumulated nuts, seeds, feed, or other wildlife attractants.
6. On or before July 3, 2026, the Tenant shall provide the Landlord with the Tenant's daughter's email for the purpose of communication.
7. All communication relating to the tenancy shall be directed through the Tenant's daughter.
8. The Tenant consents to service via email through the Tenant's daughter's email after July 3, 2026, for all notices and other documents.
9. For the period of July 1, 2026, through March 31, 2026, if the Tenant fails to comply with the conditions set out in paragraph 2-8 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 made to the LTB without notice to the Tenant.
10. The Landlord waives claim for the filing fee in the amount of \$186.00.

June 22, 2026
Date Issued

Nicole Pedron
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.