

Order under Section 69  
**Residential Tenancies Act, 2006**

**File Number:** SWL-02844

**In the matter of:** 185 Marconi Boulevard  
London ON N5V 1A6

**Between:** Joanne Campanaro Landlords  
John Campanaro

**and**

Julie Dixon Tenant

Joanne Campanaro and John Campanaro (the 'Landlords') applied for an order to terminate the tenancy and evict Julie Dixon (the 'Tenant') because the Landlords require possession of the rental unit for the purpose of residential occupation. The Landlords also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard in London on June 21, 2007.

The Landlord, Joanne Campanaro, attended the hearing and was represented by her agent, Shannon Kiekens. The Tenant attended the hearing and was represented by her counsel, Jeff Schlemmer.

On May 17, 2007, the Tenant delivered a request for accommodation of her condition of multiple chemical sensitivities, as follows:

1. That the hearing room not be cleaned with chemical products at least 24 hours before the hearing;
2. That the Tenant not be placed in a general room with the public;
3. That the hearing be scheduled for a time when the public is not present;
4. That all staff, security and participants, including lawyers, refrain from wearing all scented products, including but not limited to perfumes, hairspray, deodorant products, laundry detergent on clothes, etc.; and
5. That the hearing be scheduled for a specific time.

On May 18, 2007, the Board responded in writing to the Tenant's request. The hearing initially scheduled for June 6, 2007 was re-scheduled to 2:30 p.m. on June 14, 2007 in an empty hearing room, and security staff and the Member were made aware of the Tenant's requests with respect to the use of chemical products. At the hearing on June 14, 2007, the Tenant requested an adjournment so her witness, who was ill, could be available to testify. The Landlord contested the adjournment. A one-week adjournment to June 21, 2007 was granted and the new date was made peremptory on the Tenant. The hearing proceeded at 2:00 p.m. on June 21, 2007, in a

hearing room that was not used by the public that day, and the consideration about refraining from the use of chemical products continued.

**Determinations:**

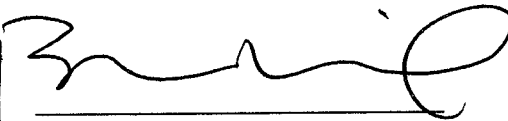
1. The Landlords established that they, in good faith, require the possession of the rental unit for the purpose of residential occupation by their son.
2. However, for the reasons attached to this order, I have considered the circumstances pursuant to subsection 83(2) of the *Residential Tenancies Act* and I find that it is appropriate, and not unfair, to exercise my discretion under subsection 83(1)(a) of the *Residential Tenancies Act* to refuse the eviction.

**It is ordered that:**

1. The Landlords' application is dismissed.

**July 17, 2007**  
**Date Issued**

SouthWest Region  
4th floor, 150 Dufferin Avenue  
London ON N6A 5N6



\_\_\_\_\_  
Brenna Homeniuk  
Member, Landlord and Tenant Board

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

