



**Order under Section 78(11)
Residential Tenancies Act, 2006**

File Number: LTB-L-094940-25-SA

In the matter of: 2, 426 12TH ST W
OWEN SOUND ON N4K3V7

Between: Kepler Real Estate Inc. Landlord

And

Ashley McKibbon Tenant
Mathew Currie

Kepler Real Estate Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Ashley McKibbon and Mathew Currie (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on July 9, 2025, with respect to application LTB-L-017235-25.

The Landlord's application was resolved by order LTB-L-094940-25, issued on November 17, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-094940-25.

This motion was heard by videoconference on December 18, 2025.

The Landlord's Agent Peter Jorgensen and the Tenants attended the hearing.

Determinations:

1. Order LTB-L-017235-25 issued on July 9, 2025, required the Tenants not to cause undue damage to the plumbing in the residential complex for a period of one year starting July 3, 2025. The Landlord alleged that the Tenants blocked the sewage drain on November 6, 2025, causing undue damage.
2. The residential complex is a three-storey house, with one rental unit on each level. The basement is accessible but does not have a separate rental unit. There is one pipe carrying sewage from each unit down to the basement, where it is then routed elsewhere.
3. The Landlord's Agent testified that, on November 6, 2025, he attended the basement of the residential complex with a plumber and saw that the floor was flooded with sewage. The plumber extracted about one grocery bag's worth of feminine wipes and hygiene products from the pipe. The Landlord incurred costs of \$596.08 for this service.

4. The Landlord's Agent stated that the amount of blockage in the pipe suggested a long build-up period. The Landlord's Agent believed that the Tenants were responsible for the blockage, even though the pipe services all three units, because the tenant in unit 1 is male and does not use the products found in the pipe, and because the tenants in unit 3 moved in on November 1, 2025, too short a time before the blockage occurred. The Landlord's Agent noted that the pipe blockages had occurred three more times in the past year while the Tenants were occupying the rental unit.
5. In order LTB-L-017235-25, the Member found that the Tenants negligently caused damage to the residential complex by disposing cigarette butts and tampons in the toilet. It was clear that the Tenants were responsible as they were the only people occupying the house at the time. The Member found it appropriate to preserve the tenancy because the Tenants had ceased the behaviour.
6. Both Tenants testified that they and their daughter have not disposed feminine wipes or other products in the toilet since the order was issued.
7. I prefer the direct testimony of the Tenants over the circumstantial evidence of the Landlord's Agent. Even though the number of products in the drain can suggest a longer buildup, they could have all been disposed of at the same time wilfully. There were females other than the Tenant and her daughter occupying the residential complex from November 1, 2025, to November 6, 2025. I am therefore not satisfied that the blockage was caused by the Tenants.
8. The Tenant did not fail to meet a condition specified in the order issued by the LTB on July 9, 2025, with respect to application LTB-L-017235-25. As there was no breach, the motion is granted.

It is ordered that:

1. The motion to set aside Order LTB-L-094940-25, issued on November 17, 2025, is granted.
2. Order LTB-L-094940-25, issued on November 17, 2025, is set aside and cannot be enforced.

January 9, 2026
Date Issued

Kate Sinipostolova
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.