



Order under Section 69 Residential Tenancies Act, 2006

Citation: CAPREIT Limited Partnership v Dass, 2026 ONLTB 921

Date: 2026-01-07

File Number: LTB-L-038795-25

In the matter of: 1704, 25 BAY MILLS BLVD
TORONTO ON M1T3P4

Between: CAPREIT Limited Partnership Landlord

And

Udho Rohit Dass Tenants
Kayoub Mohammed
Sandra Seeragee Mohammed

CAPREIT Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Udho Rohit Dass, Kayoub Mohammed and Sandra Seeragee Mohammed (the 'Tenants') because:

- the Tenants or another occupant of the rental unit have committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex;
- the Tenants, another occupant of the rental unit or a person the Tenants permitted in the residential complex have seriously impaired the safety of any person and the act or omission occurred in the residential complex.

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

This application was heard by videoconference on September 9, 2025.

The Landlord's agent, Suresh Nalliah, the Landlord's legal representative, Geoff Paine, and the Tenant Sandra Mohammed and the Tenants' agent, Shazeed Mohammed, attended the hearing.

Determinations:

Adjournment Request Denied

1. The Tenants' request to adjourn the hearing to seek legal representation was denied because they had taken no steps to seek representation in advance of the hearing and declined the opportunity to speak to Tenant Duty Counsel at the hearing.

L2 Application

2. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy in the application. Therefore, the tenancy is continued subject to the conditions in this order. **If the Tenants fail to comply with the conditions set out in 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 Tenants without further notice to the Tenants.**

N6 and N7 Notices of Termination

3. On March 12, 2025, the Landlord gave the Tenants an N6 and an N7 notice of termination. The notices of termination contain the same allegations: On February 27, 2025 an occupant of the rental unit was involved in an altercation with occupants of another rental unit and committed assault and assault with a weapon or causing bodily harm.
4. An occupant of the Tenants' rental unit has committed an illegal act in the residential complex by assaulting a person and using a weapon in the assault. The occupant, ('O-N') is the son of the Tenant who attended the hearing.
5. The Landlord submitted video evidence of the incident. O-N is in his vehicle in the visitor parking lot when a vehicle with tenants from another unit pulls in a few spots away. The tenants in the other car approach O-N and a physical altercation ensues, during which O-N hits one of the other tenants over the head with an object.
6. Both parties testified that there were injuries and arrests on both sides of the altercation. O-N did not attend the hearing to provide evidence. His mother, who testified at the hearing, was not present for the incident and has no first-hand knowledge of the events in question.
7. Assault and assault with a weapon are serious illegal acts which seriously impair the safety of the victim and damage the character of the residential complex. The Landlord received multiple reports about the incident from other witnesses.
8. Although the applications were not heard together, the Landlord is seeking the same remedies against the other involved tenants because both were active participants in the altercation. I accept the Landlord's interpretation of the incident as a planned meeting between young adults who were known to each other and had pre-existing issues at the time of the altercation.
9. The Landlord requests a conditional order. Although the Tenants deny fault for the incident, they state they are willing to comply with a conditional order if one is issued.

10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The tenancy between the Landlord and the Tenants continues if the Tenants meet the conditions set out below.
2. Neither the Tenants nor the Occupants of the rental unit shall apply physical force to another person or utter threats to another person within the residential complex for a period of one year.
3. If the Tenants fail to comply with the conditions set out in paragraph 2 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 Tenants. 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 Tenants.
4. The Tenants shall pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing on or before January 12, 2026, the Tenants will start to owe interest. This will be simple interest calculated from January 13, 2026 at 4.00% annually on the balance outstanding.

January 7, 2026

Date Issued

Dawn Carr

Member, Landlord and Tenant Board

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