



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

File Number: LTB-L-097093-25-SA

In the matter of: LOWER, 347 STUART ST
SARNIA ON N7T 3B9

Between: Tom Booth Landlord

and

Victoria MacDonald
Steven Noble Tenants

Tom Booth (the 'Landlord') applied for an order to terminate the tenancy and evict Victoria MacDonald and Steven Noble (the 'Tenants') 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 in the Board's consent order issued on March 27, 2025 with respect to application LTB-L-050368-24.

The Landlord's application was resolved by order LTB-L-097093-25, issued on November 24, 2025. This order was issued without a hearing being held.

The Tenants made a motion to set aside order LTB-L-097093-25.

This motion was heard by videoconference on December 22, 2025.

The Landlord, his legal representative Kristen Jarvis and the Tenants attended the hearing.

Determinations:

1. The Landlord was granted an *ex parte* termination order under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') because the Board found that the Tenants had failed to comply with the following conditions stipulated in the Board's consent order LTB-L-050368-24 issued on March 27, 2025:
 2. Commencing April 1, 2025, and continuing through to March 30, 2026, the Tenants shall not store personal items in front or around the rental unit's electrical panel box.
 3. Commencing April 1, 2025, and continuing through to March 30, 2026, the Tenants shall not store personal items in the room where the rental unit's

hot water tank and furnace is located. Furthermore, the Tenants shall not impede or obstruct the path to the room where the rental unit's hot water tank and furnace is located with personal items.

4. Commencing April 1, 2025, and continuing through to March 30, 2026, the Tenants shall not hang clothing items on the rental unit's piping system in the ceiling.
2. The Tenants move to set aside that order taking the position that they have not committed any of the breaches identified in the *ex parte* order.
3. The Landlord began his testimony by conceding that when he inspected the rental unit on November 10, 2025 he found the furnace room to be clear of any of the Tenants' personal belongings and filed photographs showing the means of access to that portion of the rental unit was not obstructed. He did not explain on what evidence he relied when he filed his declaration stating "tenant continues to violate the consent order by having items blocking the furnace within the unit." I find based on the evidence presented, the Landlord has not proven on a balance of probabilities that this breach occurred.
4. In his testimony, the Landlord did not describe, nor did his photographs reveal any clothing items hanging on the rental unit's piping system. I find based on the evidence presented that this breach has not been proven on a balance of probabilities.
5. With respect to blocked access to the electrical panel, the Landlord showed me a photograph of the Tenant's dresser placed at a distance in front of the wall housing the electrical panel. The Landlord testified access was blocked when he took the photographs while the Tenants testified there was plenty of room for one to walk around the dresser to get to the electrical panel. The photograph relied on by the Landlord is insufficient to resolve this dispute as it does not show what if anything is placed between the dresser and the wall. I find on the totality of the evidence presented, there is insufficient credible evidence to prove this breach on a balance of probabilities.
6. The motion must be granted and the application dismissed because the Landlord has failed to prove a breach as alleged in his application.
7. The Tenants ought not to take the outcome of this motion as vindication of their conduct. The Landlord is understandably concerned about the state of the unit and the Tenants can expect to be faced with further process from the LTB or other competent authorities if they don't take immediate action to declutter.

It is ordered that:

1. The motion to set aside Order LTB-L-097093-25 issued on November 24, 2025 is granted. That order is set aside and cannot be enforced.
2. The Landlord's application is dismissed.

3. Order LTB-L-050368-24 issued on March 27, 2025 is unchanged.

January 6, 2026

Date Issued

Nersi Makki

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.