



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

**File Number:** LTB-L-058862-24

**In the matter of:** 1514, 61 PELHAM PARK GDNS  
TORONTO ON M6N1A8

**Between:** Toronto Community Housing Corporation Landlord

**And**

Antonio Leonardo Jr. Aguiar Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Antonio Leonardo Jr. Aguiar (the 'Tenant') because:

- the Tenant or another occupant of the rental unit has 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 Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has 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 Tenant remained in the unit after the termination date.

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

Only the Landlord's Legal Representative, Chelsea Rostant and the Landlord's Witnesses, Daniel Jackman, Brittany Lithgow and Zohid Ali attended the hearing.

As of 10:18 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

**Determinations:**

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.

N6 Notice – Illegal Act and N7 Notice – Serious Impairment of Safety

1. On July 16, 2024, the Landlord gave the Tenant an N6 notice of termination and an N7 notice of termination, both deemed served on July 21, 2024. Both rely on the same allegations—that the Tenant physically assaulted the Landlord’s staff in the underground parking of the residential complex. The Landlord submits that the Tenant was charged with assault and was released with conditions requiring that the Tenant not possess weapons, not enter the underground parking garage except to access his vehicle and not associate with the victim.
2. The Landlord’s Witness, Brittany Lithgow (BL) works for the Landlord as a community safety advisor. She did not have first-hand knowledge of the events, and testified that she had reviewed CCTV footage of an assault of the Landlord’s staff in the course of her duties. She also reviewed an incident report dated April 11, 2024, which indicated that the Tenant assaulted the Landlord’s employee. However, the incident report also indicates that “CCTV was reviewed however the writer was not able to find the incident on video.” Moreover, BL did not author the incident report, and instead had only spoken with its author. She did not speak to the victim or police, and her knowledge of the incident was largely second-hand.
3. Beyond the Landlord’s incident report, the Landlord had no supporting documentation in support of their assertion that the Tenant had been charged with assault. While the LTB has discretion to admit and consider hearsay evidence, in this case I give the Landlord’s evidence very little weight. Overall, I found the Landlord’s hearsay evidence to lack reliability, and was insufficient to establish on a balance of probabilities that the Tenant assaulted the Landlord’s employee as alleged by the Landlord. BL was not present at the time of the incident alleged in the N7 notice of termination. The Landlord’s incident report suggests that the Landlord was unable to locate any video footage of the incident, and BL’s testimony was vague as to how the Tenant had allegedly assaulted the Landlord’s staff.
4. As a result, I find that the allegations in both the N6 and N7 notices of termination have not been proven, and the application must be dismissed.

**It is ordered that:**

1. The Landlord’s L2 application is dismissed.

**January 5, 2026**  
**Date Issued**

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 Christopher Lin  
 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.