



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

File Number: LTB-L-097035-25-SA

In the matter of: 35, 525 STONE CHURCH RD E
HAMILTON ON L8W3B2

Between: Victoria Park Community Homes Landlord

And

Tracy Porter Tenant
Brittney Porter
Jamie Porter

Victoria Park Community Homes (the 'Landlord') applied for an order to terminate the tenancy and evict Tracy Porter, Brittney Porter, and Jamie Porter (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on September 23, 2025, with respect to application LTB-L-048854-25.

The Landlord's application was resolved by order LTB-L-097035-25, issued on November 24, 2025. This order was issued without a hearing being held. The Tenant filed a motion to set aside order LTB-L-097035-25.

This motion was heard by videoconference on December 23, 2025. The Landlord's Agent, S. Derkson, the Landlord's Legal Representative, P. Langille, and the Tenant, Tracy Porter, attended the hearing. The Landlord's witness, K. Ha (KH) also attended the hearing.

Determinations:

1. Order LTB-L-097035-25 terminated the tenancy because the Tenant failed to meet a condition specified in the order issued by the LTB on September 23, 2025, with respect to application LTB-L-048854-25.
2. Paragraph 2 of order LTB-L-097035-25 states:

'The Tenants, another occupant of the rental unit, and/or the Tenants' guest(s) failed to refrain from substantially interfering with the Landlord or other Tenants. Specifically, the Tenants, another occupant of the rental unit, and/or the Tenants' guest(s) failed to refrain from slamming doors repeatedly, banging on walls and/or making excessive noise from 11:00 Pm to 7:00 AM. The application included a detailed time log from October 25, 2025 to November 15, 2025 in which over 50 instances were noted.'

3. In support of the motion, the Tenant denied the Landlord's allegations contained in their Application to End a Tenancy – Tenant Failed to Meet Conditions of a Settlement or Order.
4. The Tenant, who moved into the unit about 12 years ago, testified that she resides with her boyfriend, and had no problems until the Landlord's witness, KH moved into the residential complex two years prior.
5. The Tenant further stated that both she and her partner are in their fifties and go to bed early because of work. She denied slamming doors, throwing things around, or causing excessive noise.
6. KH testified about noise disturbances from the rental unit on a nightly basis which has affected her son and resulted in her taking prescribed medication for sleep. The noise, which has somewhat improved, occurs between 2:30 a.m., and 4:30 a.m. every night.
7. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-097035-25. The Tenant appeared credible in her testimony that the allegations are untrue and while the Landlord's witness was equally forthright, the Landlord did not provide any independent evidence to meet their burden of prove. Therefore, I am not satisfied, on a balance of probabilities, that the Tenant failed to meet a condition specified in order LTB-L-048854-25 issued by the LTB on September 23, 2025.

It is ordered that:

1. The motion to set aside Order LTB-L-097035-25, issued on November 24, 2025, is granted. The order cannot be enforced by the Landlord.
2. The order issued by the LTB on September 23, 2025, with respect to LTB-L-048854-25 continues in effect.
3. The Landlord's application is dismissed.

January 7, 2026
Date Issued

Jitewa Edu
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.