



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

File Number: LTB-L-063214-25

In the matter of: Second floor , Unit 4, 1196 JANE ST
YORK ON M6M4X6

Between: Tsega Kidane Landlord

And

MENGESHA TESFAY HAILEMICHAEL Tenant

Tsega Kidane (the 'Landlord') applied for an order to terminate the tenancy and evict MENGESHA TESFAY HAILEMICHAEL (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

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 November 5, 2025.

The Landlord and the Tenant attended the hearing.

Determinations:

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

N5 Notice of Termination - Substantial interference

3. On July 9, 2025, the Landlord gave the Tenant an N5 notice of termination with the termination date of July 29, 2025. The notice of termination contains the following allegations: the Tenant has substantially interfered with the Landlord's reasonable enjoyment of the rental unit because on June 23, 2025, the Tenant provoked a roommate as the Tenant always insults them. Furthermore, on July 6, 2025, at 8:00 p.m., the Tenant

called the roommates names, such as, “immigrants” and “refugees” and then proceeded to spit on the floor.

4. The Landlord testified that the other tenants living the residential complex have complained to her that the Tenant has been insulting them daily. The Tenant opposed the Landlord’s position and testified that he was the one being harassed by the other tenants. The Landlord agreed that the Tenant had raised issues of being harassed by the other tenants, all of whom are related to one another. The Tenant testified that the other tenants wanted him out so that their friend may move in and take his room.
5. The Landlord testified that she brought this application forward as she was informed by the other three tenants that the Tenant had called them names and they wanted him removed from the residential complex.
6. On a balance of probabilities, I am not satisfied that the Tenant substantially interfered with the other tenants’ reasonable enjoyment of the residential complex. What we have here is a case of “he said, she said”. The only evidence the Landlord was able to adduce at the hearing would constitute hearsay evidence. While hearsay evidence is admissible at the Board, I put little weight on this evidence. I would have reasonably expected the Landlord to call forward the other tenants as witnesses to support her application as this would have been easily attainable for the Landlord to do.
7. Therefore, the Landlord’s application is dismissed.

It is ordered that:

1. The Landlord’s application is dismissed.

January 6, 2026
Date Issued

Vishal Nanda
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.