



Order under Section 78(6) Residential Tenancies Act, 2006

Citation: CAPREIT Limited Partnership v Earhart, 2026 ONLTB 6381

Date: 2026-01-22

File Number: LTB-L-105227-25

In the matter of: 1407, 924 WONDERLAND RD S
LONDON ON N6K2V9

Between: CAPREIT Limited Partnership

Landlord

And

Trestina Earhart

Tenant

CAPREIT Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Trestina Earhart (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on October 31, 2025, with respect to application LTB-L-052210-25.

A hearing was held by videoconference on January 12, 2026 to consider this application. The Landlord's legal representative Gabriela Quaresma, the Landlord's witness Pranvera Kulla and the Tenant attended the hearing.

Determinations:

1. The order issued on October 31, 2025 is a conditional order issued on consent of the parties. The terms of the order are as follows:

For a period of (2) years commencing October 22, 2025, the Tenant, another occupant of the rental unit or someone the Tenant permits in the residential complex shall not substantially interfere with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant. Specifically, the Tenant shall not engage in yelling, screaming or domestic fights.

2. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant does not meet the conditions set out in the order.
3. The Landlord's L4 application was filed on December 12, 2025 and alleges a breach of the prior order due to incidents that occurred on December 9, 2025.

4. As explained below, I am not satisfied on a balance of probabilities the Tenant has breached the terms of the October 31, 2025 order. As such, the Landlord's application is dismissed.

Evidence:

5. Pranvera Kulla appeared as witness for the Landlord. Ms. Kulla is employed as an onsite manager of the residential complex.
6. Ms. Kulla testified that on December 9, 2025 at approximately 7:15am, she received a phone call from neighbouring residents that there was a domestic disturbance occurring in the rental unit. Ms. Kulla stated that upon reviewing video surveillance footage that an individual who is believed to be known by the Tenant forced his way into the rental unit and that pepper spray was deployed during the incident.
7. The Landlord submitted into evidence screen shots from the video camera footage (LL exhibit #1). The Landlord's witness could not confirm how this individual gained access to the residential complex.
8. Ms. Kulla further testified that she arrived at the residential complex approximately 15 minutes after receiving the initial phone call and observed the Tenant, two of her guests and paramedics in the main lobby of the building. Ms. Kulla stated that when she inquired from the Tenant as to what happened, the Tenant began to shout and yell at her and had to be pulled away from another resident.
9. The Tenant also provided oral testimony at the hearing. The Tenant did not dispute the incident that occurred in the rental unit but stated that the individual seen on the Landlord's security camera forced his way into her rental unit and was not invited into the residential complex by herself or her two guests.
10. The Tenant also disputed that she was verbally aggressive or abusive towards the Landlord's onsite manager and stated that Ms. Kulla began to accuse the Tenant and her two guests of doing illegal drugs in the building, which prompted her to get upset. The Tenant disputed that she yelled or threatened Ms. Kulla.

Findings & Analysis:

11. Based on the evidence and submissions before the Board, I am not satisfied that Tenant has breached the conditions of the October 31, 2025 order.
12. The language of the terms in the October 31, 2025 consent order are similar section 64 of the *Residential Tenancies Act, 2006* (the Act) and require that the Tenant, another occupant of the rental unit or someone the Tenant permits in the residential complex to not engage in conduct that substantially interferes with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.
13. With respect to the alleged incident that occurred inside of the rental unit, the evidence before the Board suggests that the Tenant's rental unit was broken into by an unnamed /

unknown individual and that the disturbances were due to this person forcing entry into the rental unit against the Tenant's own will.

14. The Tenant disputed that she permitted this person access to the residential complex, and the Landlord submitted no evidence such as witness testimony, photographs or video surveillance to confirm that this individual was a guest / visitor of the Tenant or that the Tenant allowed them access to the building.
15. With respect to the alleged incident that occurred in the main lobby (yelling and screaming at the Landlord's staff), Both the Landlord's witness and the Tenant provided credible, but conflicting evidence and versions of events. As this is the Landlord's application, the onus of proof rests with the Landlord to prove their case on a balance of probabilities. On a balance of probabilities means that the Landlord must show that its version of events is the more probable and should succeed.
16. In my view, I find that the Landlord has failed to meet their burden of proof. The Landlord did not provide any video footage of this incident taken by their security cameras, nor did any of the other individuals present in the main lobby during the incident (the other residents or the paramedics) attend the hearing to give testimony about the Tenant's conduct or as to what occurred in the main lobby.
17. Based on my findings above, the Landlord's application must be dismissed.
18. This order contains all the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The Landlord's application is dismissed.

January 22, 2026
Date Issued

Fabio Quattrociochi
Member, Landlord and Tenant Board

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