



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-092203-24

In the matter of: 405, 48 Fifth Street South
Chatham ON N7M4V8

Between: Joseph Prout Tenant

And

Omega Realty Management Landlord
Nasr Nasr

Joseph Prout (the 'Tenant') applied for an order determining that Omega Realty Management and Nasr Nasr (the 'Landlord'):

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.

This application was heard by videoconference on December 9, 2025.

The Landlord's Agents, Nasr Nasr ("NN") and Jacqueline Wilson, and the Tenant attended the hearing. Alan Scott attended the hearing as technical support for the Tenant.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.

Facts and Evidence:

2. The Tenant alleged that the Landlord substantially interfered with his reasonable enjoyment of the rental unit or residential complex by failing to address the Tenant's complaints about a tenant residing in the neighbouring unit, unit 406. According to the Tenant, the tenant in unit 406 made excessive noise, such as pounding on the wall at 2:00 a.m. or 3:00 a.m., yelling and banging. The Tenant alleged that despite having complained to the Landlord almost daily, the Landlord did not take reasonable steps to address and resolve the Tenant's complaints.
3. The Tenant alleged that other residents also complained about the disruptive tenant in 406, but they did not want to get involved in the proceedings.

4. The Tenant further testified that police was called on several occasions; however, no police reports were submitted into evidence. According to the Tenant, the police said if the Tenant called them again, he would get arrested.
5. The Landlord's position was that they did everything in their power to address the Tenant's complaints.
6. According to the Landlord, the Tenant generally complained about the tenant in unit 406 when the Tenant paid rent, that is once a month, not daily as the Tenant initially testified. The Tenant subsequently confirmed the frequency of his complains to be monthly.
7. The Landlord's property manager NN testified that the Landlord posted letters and memos asking residents to be respectful of each other, and served the tenant in unit 406 several notices of termination (N5). The Landlord also considered filing an application to evict the tenant in unit 406 and sought and obtained legal advice. The Landlord was advised not to file an application with the LTB as they would not be successful. In fact the LL also served notice of termination to this Tenant.
8. According to the Landlord, the Tenant also complained about a previous resident of unit 406. The tenant in unit 406 at the time was an 80-year old woman. The Landlord was able to relocate her to another unit at the time.
9. NN stated that the tenant in unit 406 has been complaining about excessive noise coming from this Tenant's unit as well.
10. The residential complex contains subsidized rental units, and as such, the Landlord required permission from the City to relocate either tenant; however the City denied the Landlord's request. The residential complex is a newer building with fire and sound insulation. The rental unit 406 is outfitted to accommodate persons with physical disabilities.
11. The Tenant is currently on a waiting list to be transferred.

Analysis:

12. The Tenant brought his application based on section 22 of the *Residential Tenancies Act, 2006* (the "Act") which states "A landlord shall not at any time during a tenant's occupancy of a rental unit and before the day on which an order evicting the tenant is executed substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household."
13. The wording of section 22 only addresses the actions of the Landlord. However, in the present case the Landlord was not the agent by which the Tenant's enjoyment was being disturbed. The Tenant's enjoyment was disturbed by another tenant. When the agent of the disturbance is someone or something other than the landlord, a landlord may be held financially liable to a tenant under section 22 if it is established that the landlord failed to act reasonably in response to the tenant's complaints about the disturbance.

14. The question then becomes did the Landlord respond reasonably to the Tenant's complaints. Based on the evidence before me, I am satisfied that the Landlord acted reasonably in response to the Tenant's complaints. The Landlord reached out to the tenants asking them to be polite and considerate of each other, gave several notices of termination, and considered filing an eviction application. The Landlord also attempted to transfer the Tenant. The Tenant is currently on a waiting list to be transferred.
15. Therefore, I find that the Landlord did not substantially interfere with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.

It is ordered that:

1. The Tenant's application is dismissed.

January 27, 2026
Date Issued

Jana Rozehnal
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.