



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

Citation: Indwell Community Homes v Snell, 2026 ONLTB 7954

Date: 2026-01-27

File Number: LTB-L-103563-25-SA

In the matter of: 318, 425 LAKESHORE RD E
MISSISSAUGA ON L5G0C7

Between: Indwell Community Homes

Landlord

And

James Snell

Tenant

Indwell Community Homes (the 'Landlord') applied for an order to terminate the tenancy and evict James Snell (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on July 9, 2025 with respect to application LTB-L-020495-25.

The Landlord's application was resolved by order LTB-L-103563-25, issued on December 20, 2025. The order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-103563-25.

This motion was heard by videoconference on January 21, 2026.

The Landlord's Agent Bobbie Gunn and the Tenant attended the hearing. The Tenant spoke with Tenant Duty Counsel prior to the hearing.

Determinations:

1. In the original consent order LTB-L-020495-25, the Tenant agreed to "not willingly allow trespassed individuals into the building" and, should a trespassed individual "known to the Tenant be present in the building", the Tenant agreed to immediately notify the Landlord.
2. It was meant to apply to a situation in which a person whom the Landlord had trespassed from the premises attempted to meet with or visit the Tenant in the residential complex or in the rental unit.
3. Upon inspection of the application and motion records, it became apparent that the facts surrounding the alleged breach of order LTB-L-020495-25 on November 30, 2025 were rather unclear. Based on the application content and consequent order, I find that a tenant subject to the order could not be certain whether they committed a breach of the order.
4. As explanation, on December 8, 2025 the Landlord filed the L4 application alleging that the Tenant "knowingly allowed a trespassed individual into the building and into his unit" on

November 30, 2025, despite the Landlord previously providing him with an updated list of trespassed individuals. The *ex parte* order issued from the application, the Member finding that the Tenant allowed a trespassed individual into the building.

5. At this hearing, the Landlord's agent B.G. explained that the Landlord has given the Tenant several lists of prohibited persons (because the list changes from time to time).
6. The underlying N5 notice of termination identifies two individuals against whom the Landlord has issued Notices of Trespass under the *Trespass to Property Act*. However, each of the Landlord's original L2 application, the conditional order issued on July 9, 2025, the L4 application filed on December 8, 2025 and the *ex parte* order issued on December 20, 2025 do not identify any trespassed individuals.
7. There is no evidence that the Landlord filed with the LTB the trespass list and copies of the relevant Notices of Trespass, with the dates these were given to the Tenant. This was important evidence to put before the Board because it set out the details of the Tenant's obligation, constituting some of the critical facts which would inform a breach.
8. These omissions put the Tenant at a significant disadvantage. His compliance with the conditional order is greatly impeded if the trespassed person or persons are unnamed.
9. What this means is that the Tenant may be successful in a set aside motion if the Landlord failed to identify the trespassed person who allegedly entered the building on November 30, 2025 and if the Landlord neglected to prove that they had given the visitor a Notice of Trespass. The Landlord must also sufficiently establish with supporting evidence that the Tenant "willingly allowed" the prohibited person entry into the residential complex.
10. In these kinds of situations, tenants are entitled to ask the landlord for documentary proof that certain individuals have had Notices of Trespass issued against them and to require the landlord to produce reliable evidence that the tenant willingly allowed the prohibited person entry.
11. I indicated to the parties that, after considering all of the circumstances, I would find that it would not be unfair to set aside order LTB-L-103563-25.
12. Having discussed with the parties the problems outlined above, the parties were agreeable to continuing the original order, with specific amendments to identify the individuals subject to those Notices of Trespass that the Landlord has presumably posted in the residential complex.

It is ordered that:

1. The motion to set aside Order LTB-L-103563-25, issued on December 20, 2025, is granted.
2. Order LTB-L-103563-25 is set aside and cannot be enforced.
3. Paragraph 3 of the previous order issued on July 9, 2025 with respect to LTB-L-020495-25 is amended as follows:
 - "3. The trespassed individuals referred to in paragraph 2 of the order are identified in the Landlord's letter to the Tenant dated November 21, 2025, and:
 - (a) the individual known as 'Charlie Liberty' shall be added to the list,

- (b) the Landlord shall provide the Tenant with updated or revised lists of trespassed individuals as soon as they become available, along with copies of the Notices of Trespass relating to each trespassed individual, and
 - (c) if a trespassed individual named on the list is present in the building or in the rental unit with the intention or for purpose of meeting with or visiting the Tenant, for any reason, the Tenant shall immediately notify the Landlord so that the Landlord may take action to remove the person from the property.”
4. The remaining terms of Order LTB-L-020495-25, being paragraphs 1, 2 and 4, shall remain unchanged and in force.

January 27, 2026
Date Issued

Elle Venhola
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.