



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

File Number: LTB-L-106536-25-SA

In the matter of: 407, 17 MOUNTAIN AVE N
STONEY CREEK ON L8G3N7

Between: The Effort Trust Company Landlord

And

Jolene Martin Tenant

The Effort Trust Company (the 'Landlord') applied for an order to terminate the tenancy and evict Jolene Martin (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on April 9, 2025 with respect to application LTB-L-089656-24.

The Landlord's application was resolved by order LTB-L-106536-25, issued on January 7, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-106536-25.

This motion was heard by videoconference on January 22, 2026. The Landlord's representative Kimberly Holleran, and the Tenant, who met with Duty Counsel, attended the hearing.

Determinations:

1. On April 1, 2025, the parties consented to an order where for a twelve-month period the Tenants would not make excessive noise between the hours of 11:00pm and 7:00am.
2. The Landlord alleges that there were three breaches of the order. On October 5, November 27 and December 3, 2025. The allegations are loud music and television, a conversation on the phone, and signing to music.
3. The neighbour, Margaret Fleet, who lives in unit 408, next door to the Tenant, made the complaints lives next door to the Tenant's unit. The neighbour contacted Daniela Luiceann who is the superintendent, to complain about the noise. The superintendent testified that she went to the Tenant's unit, and that the television was not loud from the hallway and when the Tenant opened the door the television was not loud.
4. Devon Dent, who lives in the unit with the Tenant, acknowledged that there had been an issue in April which led to the order, but since then there have been no excessive noises.

Mr. Dent sleeps in a bedroom in the unit and has not heard any of the noise the neighbour has complained about. Mr.s Dent sleeps with his door open due to the cats. Mr. Dent was questioned about the Tenant signing and testified he has not heard the Tenant signing in the unit at night.

5. The Tenant testified that she has even installed soundproofing on the wall adjoining the neighbour's unit. The Tenant's nine-year-old son listens to music at low volume to fall asleep as he is ADHD, and now uses headphones.
6. Based on the evidence before me, I cannot conclude that the Tenant has caused excessive noise in breach of the conditions set out in the order.
7. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-106536-25.

It is ordered that:

1. The motion to set aside Order LTB-L-106536-25, issued on January 7, 2026, is granted.
2. Order LTB-L-106536-25, issued on January 7, 2026, is set aside and cannot be enforced.

January 28, 2026

Date Issued

Greg Joy

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.

