



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

File Number: LTB-L-106869-25-SA

In the matter of: 2, 190 VICTORIA ST N
KITCHENER ON N2H5C6

Between: 190 VICTORIA ST LTD. Landlord

And

MATTHEW DELARGE Tenants
CASSANDRA MAURICE

190 VICTORIA ST LTD. (the 'Landlord') applied for an order to terminate the tenancy and evict MATTHEW DELARGE and CASSANDRA MAURICE (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on October 6, 2025 with respect to application LTB-L-065321-25.

The Landlord's application was resolved by order LTB-L-106869-25, 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-106869-25.

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

Determinations:

1. On October 1, 2025, with the assistance of a Board Dispute Resolution Officer, the Tenants consented to an order that included the condition that would ensure there is no smoke of any kind in the rental unit or on the residential complex, among other conditions such as no smell from food or garbage, and no urine or pet smells, set out for relief from eviction.
2. The Landlord alleges that the Tenants continue to smoke in the rental unit.
3. The Landlord's witness, Anastasia Ukhonov, who has lived in the rental unit above the Tenants' unit, testified that she smells cigarette smoke but most frequently marijuana smoke through the vents emanating from the Tenants' unit below. The witness testified that the smell of smoke, urine and garbage continues and that she has sent text messages to Cassandra Maurice about the issue. The witness has not gone to the Tenants' unit when she smells smoke.

4. Ms. Ukhanov has complained to the Landlord on December 8th, 11th, 12th, 13th, twice on the 14th, 17th as well as two times on January 2nd and again on January 17th. She has witnessed the Tenant smoking from a bong on the front porch. Due to the ongoing issue, Ms. Ukhanov requested that be be permitted to vacate the rental unit early due to the ongoing smells. The Landlord has agreed to an termination of the tenancy without 60 days notice.
5. The Tenants deny smoking and suggest that the rental complex is in an area of town with many homeless and that the smell could be coming from the church parking lot next door.
6. Mathew DeLarge's mother, Sherri DeLarge, testified that she is regularly at the unit and has not seen the Tenants smoking. However, she also testified that she frequently drives by and sees them smoking outside. Ms. DeLarge also testified that she has seen them smoking on the residential complex.
7. Considering all the evidence, including the fact that Ms. Ukhanov submitted multiple and repeated complaints about the smell of smoke to the Landlord, asked to have her tenancy terminated due to the issue, and that Ms. DeLarge has seen the Tenants smoking on the residential complex, I find, on a balance of probabilities, that the Tenants are in breach of the condition related to smoking.
8. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-106869-25.
9. The Tenants requested 60 days to find another rental unit if the set aside motion is denied. I find this to be a reasonable request.

It is ordered that:

1. The motion to set aside Order LTB-L-106869-25, issued on January 7, 2026, is denied.
2. The stay of order LTB-L-106869-25 is lifted March 31, 2026.
3. Order LTB-L-106869-25 is unchanged.

January 30, 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.