



Order under Section 31 Residential Tenancies Act, 2006

Citation: Saulan v Peel Housing Corporation O/A Peel Living, 2026 ONLTB 10721

Date: 2026-02-04

File Number: LTB-T-067686-24

In the matter of: 311, 4100 Westminster Place
Mississauga ON L4Z1J3

Between: Ana Saulan Tenant

And

Peel Housing Corporation O/A Peel Living Landlord

Ana Saulan (the 'Tenant') applied for an order determining that Peel Housing Corporation O/A Peel Living (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.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard by videoconference on December 8, 2025.

The following attended the hearing:

- Landlord's legal representative Kailee Trigiani
- Landlord's witnesses Debbie Harnum and James Magleo
- the Tenant
- Tenant's witness Ivo Saulan

The Tenant declined to speak with Tenant Duty Counsel.

Determinations:

Preliminary Issues

Request for closed hearing

1. At the beginning of the hearing, the Tenant requested a confidentiality order on the grounds that she is "a private woman" and that it is "[her] choice and [her] right." The

Landlord did not object to the request but noted that this was not requested or done for previous applications before the Board.

2. I denied the request for the following reason.
3. Parties in a court or tribunal proceeding do not have an automatic right to a closed proceeding. The open court principle applies to adjudicative tribunals and creates a default right of public access to both hearings and records that relate to legal proceedings, subject to limited exceptions.
4. The test established by the Supreme Court of Canada in *Sherman Estate v. Donovan*, 2021 SCC 25 (*CanLII*) provides guidance when considering whether to override the principle that tribunal hearings should be open to the public. In order to succeed, the person asking a court to exercise discretion in a way that limits the open court presumption must establish that:
 - a) court openness poses a serious risk to an important public interest.
 - b) the order sought is necessary to prevent this serious risk to the identified interest because reasonably alternative measures will not prevent this risk; and
 - c) as a matter of proportionality, the benefits of the order outweigh its negative effect.
5. The Court held that “upholding the presumption of openness has meant recognizing that neither individual sensibilities nor mere personal discomfort associated with participating in judicial proceedings are likely to justify the exclusion.” [*Sherman Estate* at para. 31]
6. The Tenant’s assertion that she is a “private woman” does not form a sufficient evidentiary basis to impose a ban.

Res judicata

7. At the hearing, the Landlord's legal representative submitted that some of the Tenant’s claims are barred by the doctrine of *res judicata*, as they were adjudicated by order LTB-L-080168-24, issued on March 25, 2025.
8. That order resolved the Landlord’s L2 application based on an N5 Notice on consent and included terms that the Tenant not interfere with the Landlord’s entry to the rental unit where a proper Notice of Entry was served, that Landlord employees would knock before entering, that parties would not engage in aggressive conduct against each other, and that the Tenant would remove an extra lock that she added to her door.
9. The preliminary issue raised by the Landlord can be characterized as issue estoppel, which is a branch of *res judicata*.
10. Issue estoppel precludes a litigant from raising issues in a proceeding that were already adjudicated in a previous proceeding. The principles behind the doctrine of issue estoppel are that litigation should have finality (it should not be allowed to continue indefinitely), inconsistent results should be avoided, judicial resources should not be wasted on

duplicative claims, and parties should not be permitted to harass one another with duplicative claims.

11. The criteria for issue estoppel, as per Richard A. Feldman in his *Residential Tenancies*, 9th ed. (Toronto: Carswell, 2009) at p.90, are:

1. The same question (issue) currently being advanced has been decided in an earlier proceeding;
2. That earlier decision was final; and
3. The parties (or their privies) are the same now as in that earlier proceeding.

12. The following issues raised in the Tenant's application were adjudicated by order LTB-L-080168-24:

- the Landlord's repeated efforts to gain entry to replace a functioning kitchen hood fan unnecessarily;
- the Landlord's response was unreasonable having served an N5 Notice on June 20, 2024 because the Tenant refused installation; and
- the Landlord's action having filed an L2 application based on that notice was unreasonable.

13. Applying these criteria to this case: the issues listed at paragraph 12 above were adjudicated in a previous proceeding, order LTB-L-080168-24 is a final order, and the parties are the same in this proceeding as in the previous proceeding. I therefore find that these issues are barred by the doctrine of issue estoppel and so this part of the Tenant's application must be dismissed.

T2 application

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

Illegal entry

15. The Tenant testified that on June 26, 2024, a contractor and a member of the Landlord's staff opened the door of her rental unit. She came to the door, asked the contractor about liability insurance, told them that they couldn't come in, and they left. She testified that it was possible that the Landlord had served a Notice of Entry for that day.

16. James Magleo (JM) is the live-in superintendent for the residential complex. He testified that he served a valid Notice of Entry as required by the *Residential Tenancies Act, 2006* (the "Act") for June 26, 2024 for a contractor to replace the kitchen hood fan. He provided a key to the contractor. He testified that he was not with the contractor but received a phone call from him asking him to come to the rental unit. He testified that the contractor and the Tenant were arguing at the door, and the Tenant's voice was raised. They left

without entering the rental unit. He stated that the contractor told him that he had knocked on the door prior to attempting to enter.

17. Because the contractor did not provide evidence, I only have JM's hearsay testimony of what occurred before he arrived at the rental unit. I am allowed to accept hearsay evidence, but I accord it little weight as the contractor was not available to be cross examined.
18. I prefer the evidence of the Landlord because it makes sense. It would be unlikely that a landlord would follow the correct process to serve a Notice of Entry and then for the person attending the rental unit to go straight in using a key without knocking first. The Tenant did not provide evidence to suggest that the contractor would have a motive for entering the rental unit without knocking first.
19. I do not find on a balance of probabilities that the Landlord harassed or substantially interfered with the Tenant's reasonable enjoyment of her rental unit or the residential complex by the contractor entering her unit without knocking on June 26, 2024.
20. Even if I were to accept that the contractor used the key without knocking first, one incident of the door being opened without anyone entering the rental unit, then leaving immediately, would not rise to the threshold of substantial interference with the Tenant's enjoyment of the rental unit or residential complex. Harassment is commonly defined as a pattern of conduct that a person knows or ought to know would be unwelcome. Based on the facts in this case, this one incident would not constitute harassment.

Cameras in common areas

21. The Tenant testified that the Landlord has cameras in the lobby and at the side, front, and back of the residential complex. She stated that the Landlord's employees watch her when she goes in and out of the building and know when she leaves and comes back. She worries that the Landlord will go into her unit when they see she is away. She does not want to be watched.
22. Debbie Harnum (DH) is the property manager for Peel Housing. She confirmed that there are cameras in common areas at the front and back and entrances to the building. There are no cameras in the hallways, outside rental units, or facing rental unit doors. The cameras are motion-activated. Peel Housing personnel and the police can view the camera feeds for a reason such as investigating damage, but there is no live monitoring of the cameras.
23. I do not find that the Landlord harassed or substantially interfered with the Tenant's reasonable enjoyment of her rental unit or the residential complex by having security cameras in common areas. The Landlord's explanation of the purpose of the cameras and the access to their footage is plausible. While I understand that the Tenant feels uncomfortable that there are cameras, she did not provide any evidence to substantiate her claim that the Landlord's employees watch her on the cameras.

It is ordered that:

1. The Tenant's application is dismissed.

February 4, 2026

Date Issued

Margo den Haan

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.