



Order under Section 30 Residential Tenancies Act, 2006

File Number: LTB-T-082571-24

In the matter of: #5 (basement), 96 MARKHAM ST
TORONTO ON M6J2G5

Between: Patrick Connors Tenant

And

The Six Properties Landlord

Patrick Connors (the 'Tenant') applied for an order determining that The Six Properties (the 'Landlord') failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing, or maintenance standards.

This application was heard by videoconference on January 13, 2026. The Tenant and the Landlord's Agent, K. Shahla, attended the hearing.

Determinations:

1. As explained below, the Tenant did not prove on a balance of probabilities the allegations contained in the application. Therefore, the application is dismissed.
2. The Tenancy commenced on August 1, 2024, and ended on September 30, 2024.
3. The Tenant testified that he observed moisture on the floorboards of the rental unit on August 6, 2024, and the Landlord promptly sent a plumber either on August 6 or 7, 2024 to address the issue.
4. On August 8, and August 16, 2024, the Tenant noticed mold in the drywall of the living room and the Landlord on August 9, 2024, and about August 16, 2024, sent a contractor who removed the drywall to fix the issue.
5. On September 8, 2024, the Tenant observed mold in the boiler room. The contractor cut up the drywall to remove the mold.
6. On September 16, 2024, the Tenant observed a sulphuric smell in the unit.
7. On September 30, 2024, the Tenant hired a mold specialist who inspected the rental unit and provided a Mold Testing and Inspection Report. The report indicates that the Tenant had moved out of the rental unit, and they observed visible mold in the boiler room, visible

water damage throughout the unit and high moisture readings. The mold remediation level was noted as level 1 with recommendations provided.

8. The Landlord testified that they responded to the Tenant's complaints promptly and the mold report simply shows high moisture readings but not mold.
9. Section 20 (1) of the Residential Tenancies Act, 2006 provides that a Landlord is responsible for providing and maintaining a residential complex, including the rental units in it, in a good state of repair and fit for habitation and for complying with health, safety, housing and maintenance standards.
10. In *Onyskiw v. CJM Property Management Ltd.*, [2016 ONCA 477](#), the Court of Appeal held that the LTB should take a contextual approach and consider the entirety of the factual situation in determining whether there was a breach of the landlord's maintenance obligations, including whether the landlord responded to the maintenance issue reasonably in the circumstances. The court rejected the submission that a landlord is automatically in breach of its maintenance obligation as soon as an interruption in service occurs.
11. Applying the Court's direction in this case, the presence of mold or moisture in the unit is not an automatic basis for finding that the Landlord breached section 20 of the Act especially as they hired contractors to investigate and address the problem in a timely fashion. Although the Landlord's efforts were insufficient as the mold report showed that mold continued to be present in the boiler room and the moisture readings in the rental unit were high, the Landlord did not neglect their obligation to maintain the unit.
12. Given the evidence, had the Tenant not vacated the unit, I find on a balance of probabilities that the Landlord would have carried out further investigations and resolved the issue. Therefore, I am not satisfied that the Landlord failed to meet their obligations under subsection 20(1) of the Act to repair or maintain the rental unit and did not fail to comply with health safety, housing, or maintenance standards.

It is ordered that:

1. The Tenant's application is dismissed.

February 2, 2026

Date Issued

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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.