



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

File Number: LTB-L-001770-26-SA

In the matter of: 136, 350 Quigley Road
Hamilton ON L8K5N2

Between: WCC10 Landlord

And

Hana Ahmed Tenants
Mahmood Majeed

WCC10 (the 'Landlord') applied for an order to terminate the tenancy and evict Hana Ahmed and Mahmood Majeed (the 'Tenants') because the Tenants did not meet a condition specified in the mediated settlement signed by the parties on December 19, 2025 with respect to application LTB-L-074890-25.

The Landlord's application was resolved by order LTB-L-001770-26, issued on January 13, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-001770-26.

This motion was heard by videoconference on January 29, 2026. The Landlord's representative Anthony Corso, and the Tenants, who met with Duty Counsel, attended the hearing.

Also in attendance as witnesses for the Landlord were the Tenant's next door neighbour Laura Prentice, Brendon Gamble, Sergan Sharma, Kimi Gamble, the Landlord's superintendent Brent Armstrong, and the Landlord's office staff member Venessa Green, all who testified at the hearing.

Determinations:

1. At a hearing on December 15, 2025, with the assistance of a Board Dispute Resolution Officer, the Tenants agreed that they would not smoke in the rental unit of on the residential complex.
2. The Landlord alleges that the Tenants continue to smoke after they agreed they would no longer smoke. The residential complex is designated as non-smoking.
3. Brent Armstrong testified that boxing day, at approximately 6:30pm, he was working outside and heard coughing. When he looked up to see where the sound was coming

from he saw Mr. Majeed on the balcony smoking. Mr. Armstrong reported the incident to staff the next day.

4. On December 30th, Venessa Green, who works in the office, confirmed that Mr. Majeed told her he had being smoking on the balcony but only twice.
5. Mr. Majeed testified that these incidents were before they entered into the agreement not to smoke.
6. Laura Prentice, who lives next door to the Tenants, testified that she smell smoke from the Tenants' unit all the time. Her guests smell the smoke when they visit and affects her grandson when she has to her home to look after him. Ms. Prentice also testified that she has seen Mr. Majeed through the window smoking.
7. Brandon Gamble visits the Tenant on average three times a week and testified that most times there is the smell of smoke.
8. Sargen Sharma, who lives in unit 246, is friends with Ms. Prentice and visits her unit. The witness also testified to the smell of smoke in Ms. Prentice's unit.
9. Ms. Prentice's is the mother-in-law to Kimi Gamble. Ms. Gamble testified that she smells smoke in Ms. Prentice's unit most times when she drops of her son and that the smell is strongest in the bathroom.
10. The Tenants denied that they smoke in the rental unit or on the residential complex.
11. Based on the testimony from multiple witnesses, I find on a balance of probabilities that the Tenants continue to smoke in areas that are not permitted as a condition of relief from eviction. I also find that the smoking is substantially interfering with reasonable enjoyment and the Landlord's lawful right and privilege.
12. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-001770-26.
13. I find it reasonable to provide the Tenants additional time to relocate. The stay will not be lifted until the end of March.

It is ordered that:

1. The motion to set aside Order LTB-L-001770-26, issued on January 13, 2026, is denied.
2. The stay of order LTB-L-001770-26 is lifted March 31, 2026.
3. Order LTB-L-001770-26 is unchanged.

February 6, 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.