



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

File Number: LTB-L-087318-25-SA

In the matter of: 103, 120 TOWN HAVEN PL
SCARBOROUGH ON M1K5H6

Between: Toronto Seniors Housing Corporation Landlord

And

Kathy Kreklo Tenant

Toronto Seniors Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Kathy Kreklo (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 September 25, 2025 with respect to application LTB-L-036187-25.

The Landlord's application was resolved by order LTB-L-087318-25, issued on October 30, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-087318-25.

This motion was heard by videoconference on December 15, 2025.

The Landlord's Legal Representative, Adam Fraccaro, the Tenant and the Tenant's Legal Representative, Seema Habib, attended the hearing.

Determinations:

1. The Tenant failed to meet a condition specified in the order issued by the LTB on September 25, 2025 with respect to application LTB-L-036187-25.
2. The September 25, 2025 order directed that:
 - For the life of the tenancy the Tenant shall refrain from smoking inside the rental unit and shall not damage or tamper with the smoke detector within the rental unit.
3. The Landlord confirmed that the Tenant was caught smoking subsequent to this order on at least two (2) occasions – during an inspection on October 16, 2025 and during a check-in with the senior service coordinator on October 27, 2025.

4. The Tenant suffers from mental health issues and receives significant and ongoing support from numerous providers. The Tenant's Legal Representative submitted that the Tenant suffers from substance use disorder and gets confused about whether they are allowed to smoke inside or not. They further indicated that the Tenant is seeking smoking cessation treatment and requires further management and coordination of their complicated medical needs.
5. The Landlord submits that smoking in the building constitutes a safety issue to both residents and staff and that the Tenant has been accommodated by providing them with a rental unit on the ground floor, close to the exit door and the smoking area at the exterior of the building.
6. Although there is a very real chance of the Tenant smoking inside the residential complex again, I do not find it to be a reason to evict the Tenant at this time. It appears that they are seeking assistance in ceasing/lessening their smoking habit and it is hoped that better coordination of their medical needs will lessen their need to smoke.
7. Based on the evidence before me, the tenancy is protected under the Human Rights Code. As such, the Landlord has a duty to accommodate to the point of undue hardship. I am not satisfied that point has been reached.
8. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-087318-25.

It is ordered that:

1. The motion to set aside Order LTB-L-087318-25, issued on October 30, 2025, is granted.
2. Order LTB-L-087318-25, issued on October 30, 2025, is set aside and cannot be enforced.
3. Order LTB-L-036187-25 remains in effect.

February 5, 2026

Date Issued

Curtis Smith

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.