



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

Citation: Niagara Regional Housing v Olesen, 2026 ONLTB 8652

Date: 2026-02-04

File Number: LTB-L-067326-25-SA

In the matter of: 114, 45 ORMOND ST S
THOROLD ON L2V1Y3

Between: Niagara Regional Housing Landlord

And

Erik Olesen Tenant

Niagara Regional Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Erik Olesen (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 August 25, 2023 with respect to application LTB-L-031969-22.

The Landlord's application was resolved by order LTB-L-067326-25, issued on August 21, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-067326-25.

This motion was heard by videoconference on September 25, 2025. The Landlord's representative Judith Callender and Property Manager Rachel Dagenais, and the Tenant represented by Peter Janowski, attended the hearing.

Determinations:

1. Order LTB-L-031696-22, issued August 25, 2023, ordered the Tenant not to build any additions or make alterations to the exterior of the rental unit,, not to undertake any business activity at the rental unit or residential complex, and by September 14, 2023, to remove the rental unit address from all social media advertising and websites related to a business activity.
2. The Landlord alleges that on August 3, 2025, the Tenant has carried on a business by placing a sign in the yard. The Landlord also alleges that a website has the Tenant's address for this business.
3. There is a photograph of a business sign in front of a wooden wall. The Landlord testified that the sign was there for one week. The Tenant's representative submits that that the

sign was placed there by a neighbour who wants the Tenant evicted. The website the Landlord refers to shows a different address than the Tenant's address. This confirms the submission that the website has been changed.

4. The parties agree that the Tenant has serious mental health issues. The Tenant's hobby is cycling. There is no evidence that any clients the Tenant may have interactions took place at the residential complex. It is also nearly 2 ½ years since the order was issued and there is no evidence that the Tenant has breached the conditions of the order apart from these allegations.
5. The testimony shows that there may be an obligation under the Human Rights Code to accommodate the Tenant's disability.
6. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-067326-25.

It is ordered that:

1. The motion to set aside Order LTB-L-067326-25, issued on August 21, 2025, is granted.
2. Order LTB-L-067326-25, issued on August 21, 2025, is set aside and cannot be enforced.

February 4, 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.

