



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-047773-24

In the matter of: 178 Highbury Dr
Stoney Creek ON L8J3T6

Between: John Barbano Tenant

And

Sana Grill Landlord
Shkar Siwaly

John Barbano (the 'Tenant') applied for an order determining that Sana Grill and Shkar Siwaly (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 22, 2025.

The Landlord Shkar Siwaly, Landlord's Legal Representative Ed Alexander, and the Tenant John Barbano attended the hearing.

When the capitalized word "Landlord" is used in this order, it refers to all persons or companies identified as a Landlord at the top of the order. When the capitalized word "Tenant" is used in this order, it refers to all persons identified as a Tenant at the top of the order.

Determinations:

1. On consent of the parties, the application is amended to remove Giovanna Barbano as a named Landlord.
2. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed
3. The portion of the application alleging harassment, obstruction, coercion, or threats was dismissed at the outset of the hearing. In my view, the single allegation relied upon by the Tenant, a text message from the Landlord stating "you call god" after the Tenant said he would call his lawyer, is overly objective and not sufficient to ground a claim of harassment. Accordingly, that part of the application was dismissed on a preliminary basis.

4. With respect to the remaining allegations of substantial interference with reasonable enjoyment, the Tenant bore the burden of proving the allegations on a balance of probabilities. The Tenant's evidence consisted of:
 - one occasion on December 15, 2023, when the Landlord knocked or "pounded" on the door; and
 - three inspections between February and April 2024, each for which the Landlord provided advance notice.
5. The Tenant stated that nothing occurred during the inspections that was threatening, harassing, or improper, apart from the Tenant feeling uncomfortable and finding the inspections repetitive. The Tenant acknowledged that the Landlord advised he was inspecting for cockroaches, and the Landlord's own evidence, which was not contradicted, was that the inspections were conducted for pest-control purposes due to a significant cockroach problem.
6. Feelings of discomfort or stress, without conduct by the Landlord that objectively interferes with the Tenant's reasonable enjoyment, are not sufficient to meet the statutory test. The evidence did not establish that the Landlord's visits were excessive, conducted without proper notice, or carried out in a manner amounting to harassment, intimidation, or substantial interference.
7. The Tenant presented no corroborating evidence of misconduct during the inspections; the Tenant's son, who was said to have been present at the visits, did not provide evidence of any improper conduct. The Tenant's witness testimony confirmed that the concern was primarily emotional discomfort and worry about the visits, rather than any actions by the Landlord amounting to interference.
8. Having considered all the evidence, I find that the Tenant did not meet the evidentiary burden of proving that the Landlord engaged in harassment, threats, or substantial interference with reasonable enjoyment. The application is therefore dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

February 10, 2026

Date Issued

Kyle Anderson

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.