



## **Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006**

**Citation:** I.L. PERETZ SR. CITIZEN CORPORATION v TOKAYER, 2026 ONLTB 13582

**Date:** 2026-02-09

**File Number:** LTB-L-084191-24-RV3

**In the matter of:** 1104, 1653 OUELLETTE AVE  
Windsor ON N8X4W8

**Between:** I.L. PERETZ SR. CITIZEN CORPORATION Landlord

**And**

RON TOKAYER Tenant

I.L. PERETZ SR. CITIZEN CORPORATION (the 'Landlord') applied for an order to terminate the tenancy and evict RON TOKAYER (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-084191-24 issued on March 31, 2025. Only the Landlord's representative attended the hearing.

On April 17, 2025, the Tenant requested a review of the order alleging that he was not reasonably able to participate in the March 24, 2025 proceeding.

The request for review was heard by video conference on June 3, 2025. Only the Landlord's representative and the Landlord's agent, attended the hearing. The Tenant's review was resolved by order LTB-L-084191-24-RV, issued July 21, 2025, dismissing the Tenant's review request.

On July 24, 2025, the Tenant filed a second review to review order LTB-L-084191-24-RV alleging that he was not reasonably able to participate in the June 3, 2025 proceeding.

The second review request was heard by video conference on October 9, 2025. The Tenant's second review request was granted and resolved by order LTB-L-084191-24-RV2-IN2, issued October 27, 2025. The matter was adjourned for the review of the first review request to be determined.

The Tenant's first review request was heard by video conference on December 8, 2025.

The Landlord's legal representative, C. Parrott, the Tenant and the Tenant's legal representative, J. Kulikowski, attend the hearing.

**Determinations:**

Review of LTB-L-084191-24 (first review)

1. At the hearing, the Landlord consented to the Tenant's first review request. As a result, the application proceeded de novo and was considered on its merits.

L2 Application

2. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy, however, I find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.
3. The Tenant was in possession of the rental unit on the date the application was filed.
4. On August 7, 2024, the Landlord gave the Tenant a first, voidable N5 notice of termination with a termination date of September 2, 2024. The Tenant voided the notice and therefore, the Landlord was allowed to give the Tenant a second, non-voidable N5 notice of termination under section 68 of the *Residential Tenancies Act, 2006* (Act).
5. On October 1, 2024, the Landlord gave the Tenant a second N5 notice of termination with a termination date of October 21, 2024, alleging that the Tenant has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.
6. The Tenant does not dispute the allegations set out by the Landlord in the N5 notices of termination with respect to the following events:
  - a) First N5 notice:
    1. December 14, 2023;
    2. May 27, 2024; and
    3. August 1, 2024
  - b) Second N5 notice:
    1. August 2, 2024;
    2. August 20, 2024;
    3. August 24, 2024;
    4. August 26, 2024;
    5. August 30, 2024; and
    6. September 18, 2024.
7. As the Tenant does not dispute the allegations made by the Landlord, I find that the Tenant's conduct substantially interferes with a lawful right, privilege or interest of the Landlord and the other tenants.

Relief from Eviction

8. The Tenant's representative stated that when he was first retained, he observed apparent medical concerns and advised the Tenant to seek medical attention. He submits that the Tenant's behaviour was a result of his medical condition.
9. The Tenant submitted a medical letter dated August 18, 2025, and testified that he scheduled a doctor's appointment on the recommendation of his legal representative. The Tenant was diagnosed with several medical conditions, including anxiety, depression, tinnitus and sleep disruption. The Tenant further testified that he has a vitamin B12 deficiency, which he states affects his behaviour. The Tenant testified that tinnitus causes a ringing in his ears and sensations of vibrations. The Tenant also submitted additional medical documentation identifying other medical conditions and a list of prescribed medications.
10. The Tenant takes the position that his medical condition caused his inappropriate behaviour. He testified that, upon receiving his diagnosis, he immediately sent letters of apology to the individuals affected by his conduct. The Tenant further testified that, since his diagnosis, his interactions with others have improved, that his communication with management has been civil and that he has been better received by other residents. The Tenant testified that he was referred to the Windsor Team Care Centre and attends monthly counseling sessions. A letter from the Windsor Team Care Centre corroborating this testimony was submitted into evidence.
11. The Tenant testified that he is in receipt of Ontario Works and has also attended psychology sessions. He testified that his behaviour has changed since receiving diagnosis and that there have been no further behavioural incidents. The Tenant requests that a conditional order be issued.
12. The Landlord requests an eviction order and submits that that they have met the burden of proof. The Landlord takes the position that the Tenant cannot remedy the conduct simply by apologizing or seeking forgiveness. The Landlord acknowledges that there have been no further incidents since the issuance of the second N5 notice. The Landlord noted one minor interference following the second N5 notice; however, it was not formally addressed. In the alternative, the Landlord requests that a conditional order be issued for the remainder of the tenancy.
13. Based on the submission made before me and on a balance of probabilities, I find that issuing a conditional order is reasonable in the circumstances. I am satisfied that the Tenant's medical condition contributed to his behaviour. It is uncontested that no further behavioural concerns have been raised from September 19, 2024, to the date of the hearing.
14. In the alternative the Landlord requested a conditional order for the remaining term of the lease. However, given that no behavioural concerns have been raised in the past 16 months, I find it unreasonable to impose an eviction order over the Tenant for the duration

of the lease. In the circumstances, I find a 12-month conditional order reasonable. Any potential prejudice to the Landlord is mitigated by the inclusion of a section 78 clause.

15. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

**It is ordered that:**

1. The request to review order LTB-L-084191-24 issued on March 31, 2025 is granted. The order is cancelled and replaced by the following.
2. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
3. For a 12-month period, commencing February 9, 2026 to February 8, 2027, the Tenant shall:
  - a) refrain from using vulgar, abusive, or harassing language towards any person within the residential complex;
  - b) refrain from yelling or screaming in the common areas of the residential complex;
  - c) refrain from posting any notes or written material in the common areas of the residential complex that contain hate speech, expletives or sexual content; and
  - d) refrain from sending harassing written communications or voicemails to the Landlord's staff that contain vulgar or threatening language.
4. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.

**February 9, 2026**  
**Date Issued**

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Mayra Sawicki  
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor  
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.