



Order under Section 69 Residential Tenancies Act, 2006

Citation: Nagpal v Moniz, 2026 ONLTB 14033

Date: 2026-02-11

File Number: LTB-L-091475-25

In the matter of: BASEMENT, 1 CEDARDALE AVE
ST CATHARINES ON L2P 1B1

Between: Manmeet Singh Nagpal
Inderpreet Kaur Nagpal Landlords

and

Elisabeth Moniz Tenant

Manmeet Singh Nagpal and Inderpreet Kaur Nagpal (the 'Landlords') applied for an order to terminate the tenancy and evict Elisabeth Moniz (the 'Tenant') because the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex.

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

This application was heard by videoconference on February 9, 2026.

Only the Landlord Manmeet Singh Nagpal and the Landlords' legal representative Muhammad Malik attended the hearing.

As of 10:50 am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlords apply for termination of the tenancy based on a notice of termination given under section 61 of the *Residential Tenancies Act, 2006* (the 'Act') alleging the Tenant committed an illegal act in the residential complex particularized as follows:

On September 27, 2026, "YOU WERE ARRESTED UNDER S. 264 OF THE CRIMINAL CODE FOR HARASSING THE LANDLORD AND CONTRACTOR AND DENYING ENTRY TO THE UNIT (POLICE

REPORT #25-112460). A PROPER ENTRY NOTICE WAS SERVED ON SEPTEMBER 22, 2025, FOR SEPTEMBER 27, 2025. YOU THEN THREATENED AND RACIALLY ABUSED US.

2. It emerged from the uncontested testimony of the Landlord Manmeet Singh Nagpal that on September 27, 2025 he and his architect were denied entry to the rental unit after giving a notice of entry served the week before. The Landlords played the Tenant's recorded response which included racially abusive language and a threat to report the Landlords' perceived shortcomings on social media.
3. The Landlord Manmeet Singh Nagpal called police for assistance. Police, I was told, arrested the Tenant, spoke with her, and released her. The police furnished the Landlord Manmeet Singh Nagpal with an occurrence report which he has not obtained because he surmised it would not be made available to him without the Tenant's consent which he also surmised would not be forthcoming.
4. I cannot accept the Landlords' attempt to characterize the interaction of September 27, 2025 as constituting the criminal offence of harassment. That provision of the *Criminal Code* (Canada) states:

264 (1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

(2) The conduct mentioned in subsection (1) consists of

- (a) repeatedly following from place to place the other person or anyone known to them;
- (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- (c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
- (d) engaging in threatening conduct directed at the other person or any member of their family.

5. Quite apart from the fact that none of the circumstances outlined in subsection 264(2) of the *Criminal Code* has been proven on a balance of probabilities, there was no evidence led to show the Tenant's communication reasonably caused any person to fear for their safety.
6. The application must be dismissed because I find the allegation contained in the notice of termination has not been proven on a balance of probabilities.

It is ordered that:

1. The application is dismissed.

February 11, 2026

Date Issued

Nersi Makki

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.