



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

File Number: LTB-L-099035-25-SA

In the matter of: 604, 136 ALBERT ST
LONDON ON N6A1M2

Between: LONDON & MIDDLESEX COMMUNITY HOUSING Landlord

And

MICHAEL MAGEE Tenant

LONDON & MIDDLESEX COMMUNITY HOUSING (the 'Landlord') applied for an order to terminate the tenancy and evict MICHAEL MAGEE (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on August 29, 2025 with respect to application LTB-L-055580-25.

The Landlord's application was resolved by order LTB-L-099035-25, issued on December 1, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-099035-25.

This motion was heard by videoconference on February 10, 2026. The Landlord's representative Kelley O'Donnell, and the Tenant represented by Allsion Darling, attended the hearing.

Also in attendance as witnesses for the Landlord were Brett Lawrence, Community Safety Specialist, and Melissa Arif, Tenant Services Team Lead, who both testified at the hearing.

Determinations:

1. The Landlord alleges that on November 18, 2025, the Tenant breached the conditions of order LTB-L-055580-25 by making racial slurs and insults. The Landlord also alleges that the Tenant was not to be in the lounge other than on a Thursday.
2. The order provides that the Tenant may avail himself of the services of the Community Relations Worker on site on Thursday afternoons but does not restrict the Tenant from the lounge area on other days.
3. The Landlord alleges the Tenant stated that there were two Africans and a Pakistani working for housing and that staff should reflect the demographic of the building which is mostly heterosexual white people. The Tenant was asked to leave which he did.

4. The Landlord's witness's testimony supports these statements.
5. The people present at the time of the exchange were staff and the people the Tenant was referring to were staff. Order LTB-L-055580-25 makes no reference to staff. I find the Tenant did not breach the conditions set out in order LTB-L-055580-25.
6. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-099035-25.
7. I also find it fair to amend order LTB-L-055580-25 to include the Landlord's staff members or people working for the Landlord at the residential complex, for clarification.

It is ordered that:

1. The motion to set aside Order LTB-L-099035-25, issued on December 1, 2025, is granted.
2. Order LTB-L-099035-25, issued on December 1, 2025, is set aside and cannot be enforced.
3. Order LTB-L-055580-25 is amended in paragraph 3 to include the Landlord's staff members or people working for the Landlord at the residential complex.

February 18, 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.

