



**Order under Section 78(6)
Residential Tenancies Act, 2006**

File Number: LTB-L-000920-26

In the matter of: 2, 459 WENTWORTH ST N
Hamilton ON L8L5W7

Between: Joiya Management Limited Landlord

And

AMANDA MONTREUIL Tenant

Joiya Management Limited (the 'Landlord') applied for an order to terminate the tenancy and evict AMANDA MONTREUIL (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on August 18, 2025 with respect to application LTB-L-023572-25.

A hearing was held by videoconference on February 9, 2026 to consider this application.

The Landlord's Legal Representative, E. Alexander, the Landlord's Agent, C. Fanone, and the Tenant attended the hearing.

The following witnesses testified at the hearing:

Danny Fanone (DF), general contractor on behalf of the Landlord
Sara Karenga (SK), commercial tenant in the complex on behalf of the Landlord

Determinations:

1. Order, LTB-L-023572-25 issued on August 18, 2025 provides that:

"For a period of twelve months starting September 1, 2025 to August 31, 2026 the Tenant shall ensure that she does not cause smoke, from vaping or cigarettes or otherwise, to enter the vents and common areas of the complex."

Emphasis Added

2. The Landlord's witness, DF, testified that he is a general contractor, has built houses and conducted renovations, is a licensed welder, and has worked in this field for almost forty years. He testified that the residential complex has one furnace in the basement and the

units share returns and heat supplies and provided a copy of a photo of the exterior of the complex and a sketch of the floor plan for the main floor into evidence (DOC-7274496 / DOC-7274484). The main floor consists of the commercial unit and the Tenant's rental unit. As per the photo of the exterior of the residential complex, there appears to be second floor unit, which was addressed in the previous order.

3. DF also testified that the sketch shows the location of heat registers and air return vents in the salon (commercial unit) and the rental unit on the main floor. DF further confirmed that the air would be circulated through the heat registers and air return vents and that in some sort of way if there was smoke in one unit it could be shared with the other unit.
4. The Landlord's witness, SK, is the owner of the salon occupying the commercial unit on the main floor in the complex. She confirmed that she signed an affidavit on December 31, 2025 for the Landlord in support of this application.
5. SK testified that there were instances when she was working that she smelled weed coming through the vents. SK confirmed that on November 21, 2025 when she arrived around noon she smelled smoke. SK also confirmed that on the other dates, November 8, , December 12, December 19, and December 20, 2025, in the affidavit she smelled smoke upon her arrival to the salon, except for the last date when the smell of smoke occurred while she was working. SK testified that she is not a smoker and most of her clients are not either so when they come in and smell smoke, specifically marijuana, it upsets them. SK stated that she usually books clients every 4-6 weeks, but she has noticed that some clients are pushing it out further.
6. Under cross-examination, SK confirmed that she attended the Tenant's rental unit, on November 8, 2025, after complaining of a marijuana smell in the salon and could not smell anything in the Tenant's unit hall and living room. However, SK responded that the Tenant's son was in the bathroom at that time and she did not have access to that area. SK also testified that the Tenant's bathroom shares a really thin wall with the basement stairs in the salon and there is a shared vent on that wall.
7. The Tenant testified that the only vent in the bathroom is the exhaust vent on the ceiling which goes directly outside and that there is no heat vent. She also testified that the wall that connects to the salon's staircase is the shower wall which would not be thin. She further testified that SK made a statement that her son was in the shower smoking although the only return vent in my unit is in my living room which is where SK was standing and she could not smell anything.
8. The Tenant also testified that on November 8, 2025, she had been deep cleaning and an odour of strong cleaning chemicals was present yet this was not smelled in the salon. She further testified that she had multiple people in her unit, friends and family and no one ever said that it smells like marijuana.
9. The Tenant also submitted that she resides in the unit with her two sons, ages 17 and 7 years old, and that her youngest son is asthmatic and allergic to multiple things, there would be no way anyone would be smoking in the unit.

10. The evidence before me was insufficient to find that the Tenant caused “smoke, from vaping or cigarettes or otherwise, to enter the vents” in the complex. In SK’s affidavit, November 8, 2025, was the first date SK complained of a “strong smell of marijuana” in her premises. On this date SK testified that she smelled marijuana in her unit and there was no dispute that the Tenant invited SK into the rental unit to investigate. SK confirmed that she entered the hallway and living room of the Tenant’s unit and could not smell any marijuana.
11. Although SK maintained that she did not have access to the bathroom which was occupied by the Tenant’s son at the time, I find it more likely than not if someone were smoking marijuana in the unit or in the bathroom of the unit that this strong odour would be evident in other parts of the rental unit especially given the bathrooms location and that there is no heat register present.
12. As per the sketch of the main floor provided into evidence by the Landlord, the rental unit appears small and shows that all rooms are connected to the living room. In particular, according to the sketch, the bathroom door is off the one end of the living room. Additionally, according to the sketch, the rental unit’s air return vent and heat register are in the living room on the opposite side of where the bathroom is located. As well, according to the sketch there is no heat register in the bathroom and there is no vent shared between the bathroom and the salon as asserted by SK. In fact, as per the sketch, the air return vent and heat register in the salon are on the opposite side of the basement stairs.
13. Given the above, I am not satisfied that the Tenant caused smoke to enter the vents in residential complex on at least one of the dates where SK smelled marijuana in her salon. Therefore, I find it more likely than not that the smell of marijuana coming into the salon is from another source. Consequently, the Landlord’s application is dismissed.

It is ordered that:

1. The Landlord’s application is dismissed.

February 13, 2026
Date Issued

Lisa Del Vecchio
Member, Landlord and Tenant Board

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