



Order under Section 31 Residential Tenancies Act, 2006

Citation: Krismer v Homestead Landholdings Inc., 2026 ONLTB 10425

Date: 2026-02-23

File Number: LTB-T-092722-24

In the matter of: 106, 130 Rosedale Valley Road
Toronto ON M4W1P9

Between: Carol Krismer Tenant

And

Homestead Landholdings Inc. Landlord

Carol Krismer (the 'Tenant') applied for an order determining that Homestead Landholdings Inc. (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.

This application was heard by videoconference on December 11, 2025.

The Tenant and the Landlord's representatives, Ashleigh Searles and Mark Pernega, attended the hearing.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. The Tenant testified that her cat's reasonable enjoyment of the rental unit was substantially interfered with due to the Landlord's construction work conducted at the residential complex on November 4, 2024. The Tenant submits that her cat is a member of their household and entitled to the protections afforded by the *Residential Tenancies Act*. The Tenant testified that her cat was home during the time of the construction and was traumatized by the construction noise. The Tenant testified that her reasonable enjoyment was not impacted as she was at work during the time that the work was being conducted by the Landlord.
3. The Tenant does not assert that her reasonable enjoyment of the rental unit is an issue. I accept the Tenant's evidence that her reasonable enjoyment of the rental unit was not impacted by the construction noise because, for the most part, she was at work when the

construction was being conducted. The Tenant testified that she was able to use the residential complex and her unit during the time the Landlord was addressing maintenance work at the residential complex. For the most part, when the Tenant returned from work, or shortly thereafter, the construction work would end for the day.

4. The Landlord submits, and I agree, that the Landlord's responsibilities under the *Residential Tenancies Act* does not extend to a Tenant's pet as being a member of a tenant's household.
5. Moreover, the Landlord maintains that the work completed at the residential complex was done with notice to the Tenant, was necessary, and resulted in a reasonable amount of noise/vibration during the work hours of the day. The Landlord work was for a brief period conducted during the day. The Landlord seeks to have the application dismissed because their duty does not extend to the Tenant's cat, and secondly, the work was not unreasonable and the Tenant admits that it did not impact her reasonable enjoyment.
6. I find that the Landlord/Landlord's Agent did not substantially interfere with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household. I accept the Tenant's evidence that her reasonable enjoyment of the rental unit was not impacted. The cat does not receive the rights and protections under the *Residential Tenancies Act*, and for purposes of this application is not considered a member of their household for purposes of the *Residential Tenancies Act*.

It is ordered that:

The application is dismissed.

February 23, 2026

Date Issued

Jeanie Theoharis

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.

