



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-075639-24

In the matter of: Basement, 10 Martinet Street
Whitby ON L1N8K8

Between: Joanne Christo Tenant

And

Adrian Clayton Landlord
Nikeisha Williams

Joanne Christo (the 'Tenant') applied for an order determining that Adrian Clayton and Nikeisha Williams (the 'Landlords'):

- entered the rental unit illegally.
- 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 February 12, 2026 at 09:00 am.

The Landlords and the Tenant attended the hearing.

Determinations:

1. The Tenancy commenced on December 1, 2022 and terminated on December 1, 2024 with the Tenant vacating the rental unit.
2. The lawful rent was \$1,850.00
3. The Tenant filed their application on September 12, 2024.
4. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed

Illegal entry

5. It was the Tenant's testimony that the Landlord had illegally entered their unit on July 13, 2023 and on several other occasions in January 2024. They testified they became aware of the July 13, 2023 entry due to the allegations made in N5 notice to terminate the tenancy that the Landlord served.

6. As to the alleged entries in January 2024 it was their testimony that due to a flood within the rental unit, they were forced to temporarily relocate but were of the habit to return to the unit to collect items and when they did they would notice their personal items had been moved. They entered a copy of the N5 notice in evidence to support their submissions.
7. On my own questioning they could not provide exact dates of the alleged illegal entries that occurred in January 2024, testifying that although they did receive some Notices of Entry (NOE) for the work required, they did not believe they received a NOE for all of them, reiterating their previous testimony.
8. The Tenant testified that they were seeking \$11,500 in rent abatement as remedy.
9. In response the Landlord Nikeisha Williams testified that contrary to the Tenant's submissions they effected an entry on July 13, 2024 and that the date noted on the N5 notice was a clerical error, citing the date of service and termination on the notice, entered in evidence. They also testified that the July 13, 2024 entry was preceded by an email sent to the Tenant advising of the entry along with a valid NOE attached. A copy of the email was entered in evidence.
10. As to the entries in January 2024, they testified they were all preceded by an email, and or text, entered in evidence along with a NOE as the remediation and repairs did take most of the month. This was supported by text messages entered in evidence.

Analysis

11. The following sections of the *Residential Tenancies Act, 2006* (the "Act") are relevant:

Landlord not to interfere with reasonable enjoyment

22 A landlord shall not at any time during a tenant's occupancy of a rental unit and before the day on which an order evicting the tenant is executed substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household.

Entry without notice

Entry without notice, emergency, consent

26 (1) A landlord may enter a rental unit at any time without written notice,

(a) in cases of emergency; or

(b) if the tenant consents to the entry at the time of entry.

Entry with notice

27 (1) A landlord may enter a rental unit in accordance with written notice given to the tenant at least 24 hours before the time of entry under the following circumstances:

1. To carry out a repair or replacement or do work in the rental unit.
 2. To allow a potential mortgagee or insurer of the residential complex to view the rental unit.
 3. To allow a person who holds a certificate of authorization within the meaning of the *Professional Engineers Act* or a certificate of practice within the meaning of the *Architects Act* or another qualified person to make a physical inspection of the rental unit to satisfy a requirement imposed under subsection 9 (4) of the *Condominium Act, 1998*.
 4. To carry out an inspection of the rental unit, if,
 - i. the inspection is for the purpose of determining whether or not the rental unit is in a good state of repair and fit for habitation and complies with health, safety, housing and maintenance standards, consistent with the landlord's obligations under subsection 20 (1) or section 161, and
 - ii. it is reasonable to carry out the inspection.
 5. For any other reasonable reason for entry specified in the tenancy agreement.
12. Based on the above testimony, evidence and for the reasons that follow, I am not satisfied on the balance of probabilities that the Tenant has proven their case.
 13. First, having reviewed the N5 notice that both the tenant and Landlord referred to, the July 13 allegation also included one for July 17, 2024, the date on the N5 notice states August 2024 and the termination date also gives August 25, 2024. Additionally, the July 13 allegation corresponds with the purpose of entry provided on the NOE for July 13, 2024. Accordingly, I am accepting of the Landlord's explanation and satisfied that there was no illegal entry in this instance.
 14. Secondly, regarding the alleged illegal entries in January 2024, I cannot overlook the fact that the Tenant could not provide exact dates, that it was uncontested that there was a flood in the unit necessitating the Tenant to relocate and the text messages between the Landlord and tenant, as entered by the Landlord, showed active and consistent communication and reference to the situation being an emergency thereby making any entries legal pursuant to subsection 26(1) of the Act. Therefore, I find that the Landlord did not enter the rental unit illegally and must dismiss this portion of the Tenant's application.

Substantial interference

15. Given that the alleged substantial interference stemmed from the alleged illegal entries, and my determination above, I must also dismiss this portion of the Tenants application.

It is ordered that:

1. The Tenant's application is dismissed.

February 19, 2026

Date Issued

Kelly Delaney

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.