



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

File Number: LTB-L-102914-25-SA

In the matter of: UNIT 2, 321 HUNTER ST E
HAMILTON ON L8N1N7

Between: HENLEY GROUP LTD. Landlord

And

MICHAEL FURLOTTE Tenant

HENLEY GROUP LTD. (the 'Landlord') applied for an order to terminate the tenancy and evict MICHAEL FURLOTTE (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on October 28, 2025 with respect to application LTB-L-057073-25.

The Landlord's application was resolved by order LTB-L-102914-25, issued on December 29, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-102914-25.

This motion was heard by videoconference on February 19, 2026. The Landlord, Orichan Eyyubov, represented by Sophie Jackson, and the Tenant represented by Ashley Wilson, attended the hearing.

The Landlord's Property Manager Paul Fredrikson attended as witness for the Landlord. Two residents of the residential complex, Mike Bizier and Marie Marcy, attended as witnesses for the Tenant.

Determinations:

1. The Tenant was ordered to take reasonable steps to ensure that any animal waste is cleaned up in a timely manner and to ensure that offensive odours cannot be detected in the common areas or in other rental units from November 1, 2025 through December 1, 2026.
2. The Tenant had cat that were causing the smells from the rental unit. The cats have been removed from the unit and there was a full cleaning of the unit on October 10th which removed the odours.
3. The Landlord claims that the odours continue and points to complaints from contractors and a real estate agent.

4. Mr. Bizier and Ms. Marcy both testified that they pass the Tenant's unit daily and do not smell odours from the Tenant's unit. Both testified that there are mice in the complex and have reported this issue to the Landlord and the Property Manager.
5. The Landlord has been aware of the mouse issue and has not addressed the problem. Photographs from inside the Tenant's unit after he was evicted show mouse droppings.
6. Mr. Bizier, who has lived in the complex for twenty years, testified the Landlord the source of odours emanating from the basement.
7. I find the Landlord has not addressed the issue of a mouse infestation. The Tenant's unit was cleaned and the other residents do not smell an odour from the Tenant's unit.
8. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-102914-25.
9. The Landlord was directed at the hearing to provide immediate occupancy of the rental unit to the Tenant.

It is ordered that:

1. The motion to set aside Order LTB-L-102914-25, issued on December 29, 2025, is granted.
2. Order LTB-L-102914-25, issued on December 29, 2025, is set aside and cannot be enforced.
3. The Landlord shall provide immediate occupancy of the rental unit to the Tenant.

February 24, 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.

