



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: ROBSON v 2 SECORD INC., 2026 ONLTB 17761

Date: 2026-02-24

File Number: LTB-T-062630-24-RV

In the matter of: 112, 2 Secord Avenue
Toronto ON M4C2C3

Between: LEANNE ROBSON Tenants
KRISTA ROBSON

And

2 SECORD INC. Landlord

Review Order

LEANNE ROBSON and KRISTA ROBSON (the 'Tenant') applied for an order determining that 2 SECORD 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.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was resolved by order LTB-T-062630-24 issued on February 6, 2026.

On February 24, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file.

Determinations:

1. The Tenants submit that paragraph 7 of the order states that the other tenants (who the Tenants believe are smoking in their unit) were served N5 notices of termination and that this statement contradicts other statements in the order that the Landlord had submitted evidence showing that the security guards who investigated the issue did not smell any smoke. The Tenants believe this is inconsistent because the Landlord would not serve N5 notices on the other tenants unless they believed they were smoking.
2. I agree this would appear to be inconsistent if the order says the other tenants were served N5 notices but it does not clearly say this. Paragraph 7 of the order states that the Landlord cautioned the other tenants "up to the point of serving voidable notices of

termination on them.” This statement may be reasonably interpreted to mean that the Landlord stopped short of serving these notices. In the review request the Tenants submit that they heard about these N5 notices for the first time when they received the order. This supports that what was meant in the order is the Landlord had done everything short of serving N5 notices.

3. In any event, even if the Landlord did serve N5 notices on the neighbouring Tenants, there is no problem with the ultimate finding that the Tenants did not establish that their neighbours were smoking. The Tenants did not present sufficient evidence to establish this. Notices of termination are not evidence that the neighbouring tenants were smoking.
4. I note that the outcome of the matter would be the same even if the fact that the Landlord served N5 notices on the other tenants was evidence that the other tenants were smoking. To succeed in this application the Tenants would have to establish not only that the other tenants were smoking but that the Landlord failed to respond to the issue appropriately. Serving notices of termination on the other tenants is the most extreme action the Landlord could take to address this situation and so this evidence (if it was given) would bolster the decision to dismiss the application.
5. The Tenants submit that there is evidence within the Landlord’s documents that contradicts the security reports indicating that the security guards smelled no smoke. The evidence in question is within the security reports found at pages 27 to 56 of the Landlord’s documents. In three of these reports, the security guard states that they smelled a faint smell of smoke in the hallway outside of the other tenants’ unit. There is no indication in the order or the review request that either party brought these parts of the reports to the Member’s attention and so I am not satisfied that the Member erred by failing to consider this evidence. In any event, these statements in the reports would not be sufficient to establish that the other tenants were smoking. The faint smell of smoke in the hallway could have originated from another unit or from a person passing through the hallway with a lit cigarette. The evidence of this faint smell would be vastly outweighed by the many security reports stating that a guard had directly investigated the other unit, on several occasions going into that unit or standing in the open doorway of that unit, and finding no smell of smoke.
6. For the above reasons, on the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-T-062630-24 issued on February 6, 2026 is denied. The order is confirmed and remains unchanged.

February 24, 2026
Date Issued

Renée Lang
Vice Chair, 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.