



**Order under Section 88.1
Residential Tenancies Act, 2006**

Citation: Kunnath v Sah, 2026 ONLTB 18834

Date: 2026-03-02

File Number: LTB-L-089742-25

In the matter of: 637 COPLAND RD
SARNIA ON N7T7B2

Between: Kevin Kunnath Landlords
Merin Kunnath

And

Utam Sah Tenant

The Landlords applied for an order to terminate the tenancy and evict the Tenant because:

the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

Kevin Kunnath and Merin Kunnath (the 'Landlords') also applied for an order requiring Utam Sah (the 'Tenant') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenant's conduct or that of another occupant of the rental unit or someone the Tenant permitted in the residential complex. This conduct substantially interfered with the Landlord's reasonable enjoyment of the residential complex or another lawful right, privilege or interest.

This application was heard by videoconference on January 6, 2026.

The Landlord, Kevin Kunnath, and the Tenant attended the hearing. The Tenant spoke to Tenant Duty Counsel prior to the start of this proceeding.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.

3. The Landlord served an N5 notice to the Tenant, on September 27, 2025 with a termination date of October 17, 2025 for the Tenant's behaviour or the behaviour of someone visiting or living with you has substantially interfered with another tenant's or the Landlord's reasonable enjoyment of the residential complex, and or lawful rights, privileges, or interests, specifically the Landlord received a notice of non compliance from the City of Sarnia, on September 10, 2025 which notified the Landlord that the occupancy of his rental complex was limited to two persons for gain, however the Landlord had three tenants with individual tenancy agreements. Specifically, that the tenancy in the basement unit with the tenant was non-compliant and illegal.
4. The Tenant's position was simply he was unaware the rental unit he had entered a tenancy agreement with the Landlord was non-complaint, and this is no fault of his own, and certainly not substantial interference caused by the Tenant. Moreover, the Tenant testified out of all the Tenant's in the residential complex he is the longest tenured Tenant, so he is unsure how the Landlord choose to proceed with this application with him.
5. The Landlord testified that he is aware the Tenant did not cause this situation, but that the municipality told him that one of his three tenants needed to be removed to be complaint with the bylaw, and further testified that this was no fault of the Tenant.
6. From the documentary and oral evidence submitted, on a balance of probabilities the Landlord has not proven that the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex substantially interfered with the reasonable enjoyment of the residential complex by the Landlord or another lawful right, privilege or interest of the Landlord.
7. The Landlord further has not proven that they incurred or will incur reasonable out-of-pocket expenses. In addition, the Landlord has not proven that these expenses were incurred or will be incurred as a result of the substantial interference, the Landlord testified that he was simply requesting to be reimbursed for the cost of this application, when he ticked this remedy in his application.
8. Further it was noted to the Landlord to seek legal advice given his predicament. The Board can assist parties by providing general information as needed, however the Board does not act as a legal representative for either party and consequently, it is the Landlord's responsibility to ensure that the application is complete, the correct application and in compliance with the Act.

It is ordered that:

1. The Landlord's application is dismissed.

March 2, 2026
Date Issued

Panagiotis P. Roupas
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.