



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

File Number: LTB-L-104554-25-SA

In the matter of: 5, 315 SAGUENAY AVE
OSHAWA ON L1J2M9

Between: CMHA DURHAM

Landlord

And

VINCENT SHEK

Tenant

CMHA DURHAM (the 'Landlord') applied for an order to terminate the tenancy and evict VINCENT SHEK (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on October 9, 2025 with respect to application LTB-L-048719-25-AM.

The Landlord's application was resolved by order LTB-L-104554-25, issued on January 6, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-104554-25.

This motion was heard by videoconference on February 26, 2026. Mr. Carrie Aylwin, the Landlord owner of the property Chaniram Bhagwandin, and the Tenant's brother-in-law and power of attorney Nathan McKinlay, attended the hearing.

Determinations:

1. With the assistance of Board Dispute Resolution Officers, the parties consented to an order with conditions for relief from eviction.
2. The Landlord contends that the Tenant breached three of the conditions. These included the condition that:
 - 1(b): not to leave excessive amounts of dishes in the sink for the rental unit and/or on the countertops of the rental unit for a period of time that may attract flies or pests or odors or affect other tenants. The Tenant was to ensure that the floors are cleaned to a condition that does not attract flies or pests to the extent that it may affect the reasonable enjoyment of other tenants and to ensure that garbage is bagged and properly disposed of on a regular basis.

- 1(d): properly prepare the unit for pest control treatments.
- 1(e): not house animals at the rental unit.
3. The Tenant's representative denies there were breaches of the order.
 4. During the hearing it was acknowledged that the cat the Tenant had was removed from the last summer.
 5. The Landlord's evidence of breaches included photographs of the unit.
 6. The Landlord gave notice of entry to perform a pest control treatment on December 2, 2025. The unit was treated and the report makes no mention of whether the unit was properly prepared for an effect treatment or whether the treatment would be effective. The report does make mention of a large amount of dirty dishes in the sink, dirty dishes with food remains in the bedroom, kitty litter, and a large mound of toilet paper in the bathroom. The technician did not attend the hearing to be questioned.
 7. The Photographs show one bowl on a table with what appears to be food remnants. This contradicts the report where the technician referred to dishes and not just a single dish.
 8. The photographs show some paper on the floor of the bathroom which also includes paper towels. The amount is not significant enough as to not be easily removed and there is no way to determine how long the paper was on the floor. In addition, the paper does not appear to be dirty as to attract pests or cause odors. I find that the amount of paper on the floor does not breach the condition of disposing of garbage on a regular basis.
 9. The photograph of the sink shows an upside-down frying pan two small pots, a spaghetti strainer and one small bowl. I do not find there are excessive amounts of dishes left out by the Tenant. There is also no evidence to determine if they were left out for a period of time that would attract pests or cause odors. There was also no evidence that other tenants have complained.
 10. As the technician's report about the pest control does not say that the unit was not properly prepared or that the treatment would not be effective, I find the Landlord has failed to establish a breach on this issue.
 11. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-104554-25.

It is ordered that:

1. The motion to set aside Order LTB-L-104554-25, issued on January 6, 2026, is granted.
2. Order LTB-L-104554-25, issued on January 6, 2026, is set aside and cannot be enforced.

March 3, 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.