



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-106137-25

In the matter of: 1, 159 MOUNTAIN ST
SUDBURY ON P3B2R4

Between: Cedric J Ferrier Landlord

And

Andrew Levandoski Tenant

Cedric J Ferrier (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Levandoski (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 2, 2026. Only the Landlord attended the hearing. Deborah Shewman represented the Landlord on March 2, 2026

Determinations:

1. On December 29, 2025, I made an interim order (the '29 Dec 25 Interim Order') directing that, among other things:
 - (a) by no later than January 10, 2026, the Landlord was to contact the City of Greater Sudbury and arrange for an inspection of the unit and the complex, and upload the results of that inspection and any orders arising out of that inspection to TOP; and
 - (b) if the City of Greater Sudbury refused to conduct an inspection of the unit and the complex, then, by no later than January 16, 2026, the Landlord was to retain an engineer to provide a written report with respect to whether the unit and the complex comply with all of the applicable building standards bylaws; and upload the results of that inspection to TOP. **[DOC-7043364]**
2. The Landlord did not comply with my directions.
3. The Landlord explained that the City of Greater Sudbury declined to conduct an inspection. While there was nothing uploaded to TOP to support this assertion, I am prepared to accept that this was the case.
4. When I inquired as to why the Landlord did not hire an engineer to provide a written report with respect to whether the unit and the complex comply with all of the applicable building

standards bylaws, I was told that he was unable to locate an engineer to undertake the work within the time required. I do not accept that explanation.

5. There was nothing uploaded to TOP by the Landlord that suggested that he had even attempted to engage an engineer to provide a written report with respect to whether the unit and the complex comply with all of the applicable building standards bylaws. There was also no request by the Landlord for an adjournment to permit him to engage an engineer.
6. My directions in the 29 Dec 25 Interim Order were made under paragraph 201(1)(d) of the RTA. The evidence I directed the Landlord to file was necessary for me to make a decision on this application.
7. When the parties were before me on December 22, 2025, there was uncontroverted—the Landlord filed no evidence for the attendance on December 22, 2025—evidence that appeared to indicate that the unit was in what I would describe as a serious state of disrepair.
8. I made this clear in the 29 Dec 25 Interim Order:

17. I have serious concerns based on the documents filed by the Tenant and the failure of the Landlord to file any documents whatsoever in response, that there are issues with the condition of the unit and the complex that constitute a breach of subsection 20(1) of the RTA and that could result in substantial interference. While I appreciate that it is the Tenant's burden to establish the facts as set out in the application, the LTB has jurisdiction to: (a) direct a party to file additional evidence that it considers necessary to decide an application; and (b) view premises that are the subject of an application under the RTA. [RTA, s. 201(1)]

...

19. Based on the pictures filed by the Tenant and the failure of the Landlord to file any documents whatsoever in response, I am satisfied that it is more likely than not that there was, at some point, a fire in the unit. ...

20. The Landlord did not attend the scheduled ACC. Notwithstanding that the attendance on December 22, 2025 was peremptory on the Landlord, the Landlord did not file any documents or call any witnesses for the hearing on December 22, 2025.

9. I am exercising my jurisdiction under subsection 201(3) to dismiss this application.
10. The Landlord may, of course, deliver another N4 notice of termination and file another application under section 69 of the RTA. However, the Landlord should be aware that it will be necessary for him to address the assertion by the Tenant as to the condition of the unit.

It is ordered that:

1. The application is dismissed.

March 6, 2026
Date Issued

E. Patrick Shea
Vice Chair, Landlord and Tenant Board

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