



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

File Number: LTB-L-007539-26-SA

In the matter of: Basement, 76 DEERHURST RD
STONE CREEK ON L8E2E6

Between: Zora Kozul Landlord

And

Patricia Leocadio Tenants
Rory Duncan

Zora Kozul (the 'Landlord') applied for an order to terminate the tenancy and evict Patricia Leocadio and Rory Duncan (the 'Tenants') s because the Tenants did not meet a condition specified in the order issued by the LTB on December 15, 2025 with respect to application LTB-L-083901-25.

The Landlord's application was resolved by order LTB-L-007539-26, issued on February 2, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-007539-26.

This motion was heard by videoconference on March 5, 2026. The Landlord represented by Peter Guzina, and the Tenants, attended the hearing.

Determinations:

1. The Tenants were ordered not to make excessive noise between 11:00 p.m. and 8:00 a.m.
2. The Landlord listed a number of dates when the Landlord alleges the Tenants breached the conditions of the order.
3. The Tenants testified that since the order was issued they have ensured they have not created excessive noise, to the point where they the whisper after 11:00 p.m.
4. The Landlord's evidence to support the breach was an audio recording taken after the L4 application was filed by the Landlord. The recording seems to represent the sound of a television and some talking. The talking sounds like normal levels and does not include any raised voices and the television sound is of a similar level.

5. The rental unit is in the basement of the Landlord's bungalow. The Tenants introduced a number of videos taken inside their unit from a system they installed to monitor activity levels. Each are time stamped and relate to the time and dates the Landlord claims there were breaches of the conditions of the order. Each video shows that the activities in the rental unit would be considered normal and not excessive to create noise.
6. Based on the evidence before me I cannot establish that the Tenants' have breached the conditions of the order.
7. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-007539-26.

It is ordered that:

1. The motion to set aside Order LTB-L-007539-26, issued on February 2, 2026, is granted.
2. Order LTB-L-007539-26, issued on February 2, 2026, is set aside and cannot be enforced.

March 13, 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.

