



Order under Section 31 Residential Tenancies Act, 2006

Citation: Armstrong v Peterborough Housing Corporation, 2026 ONLTB 21290

Date: 2026-03-11

File Number: LTB-T-070146-24

In the matter of: 126, 553 BONACCORD ST
PETERBOROUGH ON K9H0K2

Between: Melinda-Sue Armstrong Tenant

And

Peterborough Housing Corporation Landlord

Melinda-Sue Armstrong (the 'Tenant') applied for an order determining that Peterborough Housing Corporation (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 and harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard by videoconference on March 9, 2026.

The Tenant, the Tenant's representative Tiffany Badour, and the Landlord's representative Ian MacInnis attended the hearing. Rebekah Vettor testified for the Landlord.

Reasons:

1. For the following reasons, the Tenant has not established that the Landlord substantially interfered with her or harassed her. The application will be dismissed.

Facts

2. On July 15, 2024, the Tenant's son had a mental health crisis in the rental unit. He was shouting or screaming at the Tenant. In an effort to stop him from hurting himself, the Tenant was also shouting or screaming at him.
3. The Tenant's nephew called emergency responders to assist the Tenant's son. Police and other responders attended at around 1:15pm. The Tenant's son calmed down, and responders left at around 1:40pm. The incident then escalated again, and the Tenant and her son shouted at each other a second time.
4. The shouting was audible in the building's hallway, and a neighbour made a noise complaint to the Landlord. In response, an employee of the Landlord, Maisie Watson,

attended outside the unit at around 1:45pm. The Tenant's son opened the door and told Ms. Watson to leave, which she did. She then called the police and reported the shouting. As I understand it, the police declined to attend again, having already attended and left.

5. The Tenant does not take issue with Ms. Watson having responded to the noise complaint or called the police. However, she objects to the fact that, during her attendance, Ms. Watson was recording on her cellphone. The Tenant brings the application arguing that, by recording her son's mental health crisis, Ms. Watson invaded her family's privacy and substantially interfered with her reasonable enjoyment.

Analysis

6. Ms. Watson no longer works for the Landlord, and did not testify in this proceeding. The recording she made on her phone is not in evidence. However, Ms. Watson's supervisor, Ms. Vettor, testified that Ms. Watson showed her the recording after the incident. The video showed the floor of the hallway, meaning that Ms. Watson kept her phone pointed at the floor throughout the incident. The audio consisted of shouting from within the unit, which was audible in the hallway.
7. I am not aware of any law that would prohibit a person from recording sounds in a public place such as the building's hallway. I can understand that the Tenant is unhappy that her son's crisis was recorded, but the fact is that anyone in the hallway could hear them shouting. Ms. Watson would have heard the shouting even if she had not recorded it. I am not satisfied that it was improper for Ms. Watson to record something that she heard in a public place, or that doing so substantially interfered with the Tenant's reasonable enjoyment.
8. In the alternative, if recording publicly audible sounds could constitute substantial interference with the Tenant's reasonable enjoyment, then in my view the Tenant would bear the onus of proving that the recording was made for an improper purpose. In this case, there is no evidence that Ms. Watson made the recording for any improper purpose.
9. The Landlord adduced hearsay evidence suggesting that Ms. Watson made the recording for the legitimate purpose of protecting her own safety in the event of a possible violent altercation. I do not need to consider whether the hearsay evidence should be given any weight. There is no evidence of an improper purpose, so the Landlord did not need to adduce evidence to establish a legitimate purpose.
10. I would also note that, after the incident, it might have been reasonable for the Tenant to ask the Landlord to delete the recording. However, there is no allegation in this case that the Landlord retained the recording, and the evidence suggests that it has in fact been deleted.

Conclusion

11. It is unfortunate that the Tenant's private family matter was audible in the hallway outside her unit. I can understand that she is upset that other tenants and the Landlord's staff could hear the incident and were able to record it. However, I do not think there is anything improper about a person making a record of something they hear in a public place.

12. Since the Tenant has not established that the Landlord substantially interfered with her reasonable enjoyment, the application will be dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

March 11, 2026
Date Issued

Dale Whitmore
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.