



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-062043-25

In the matter of: 12, 171 Stone church Rd E
Hamilton ON L9B1A8

Between: Leanid Lianny Tenant

And

Hoang Huy Nguyen Landlord

Leanid Lianny (the 'Tenant') applied for an order determining that Hoang Huy Nguyen (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.

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

Only the Tenant attended the hearing. The Tenant requested to speak to Tenant Duty Counsel, however Duty Counsel was not available prior to the start of this proceeding.

As of 11:50 a.m., the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. The Tenant filed a T2 Application about Tenant Rights (T2) with the Board on August 14, 2025. The T2 indicated that the grounds for the notice are substantial interference due to excessive noise, smoking indoors by other Tenants, various maintenance issues such as rodents, pests, unhygienic kitchen, mold in the bathroom and filthy and partly non operating laundry facilities, which interfered with the Tenant's reasonable enjoyment of the rental unit.
3. The Tenant moved in on June 25, 2025, and moved out July 28, 2025.

4. The Tenant requested to withdraw his claims that were not monetary in nature, given he had vacated the rental unit, and further to withdraw his claim for the return of his last months rent deposit and key deposit, as he would be proceeding with an T1 application on the later issues. The undersigned consented to the Tenant's withdraw requests. The Tenant further advised he had also filed a T6 application regarding the maintenance issues and only wished to mention these issues in relation to Section 22 of the Act.

5. *Section 22 of the Residential Tenancies Act, 2006 (Act)* states:

A landlord shall not at any time during a tenant's occupancy of a rental unit and before the day on which an order evicting the tenant is executed substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household.

6. The Tenant testified the other tenants in the residential complex, were creating excessive noise, such as yelling and stomping in all hours of the day and smoking in the residential complex, which greatly effected the Tenants health and normal daily functioning, that resulted in the Tenant's inability to perform at his place of employment. The Tenant did not submit any documentary evidence during the proceeding to substantiate his claims.

7. The Tenant further testified that there were issues of mold, rodents, pest, specifically cockroaches and bed bugs, an unhygienic shared kitchen that also substantially interfered with his reasonable enjoyment of his rental unit. The Tenant did not submit any documentary evidence during the proceeding to substantiate his claims.

8. The question to be determined by the Board is whether the Tenant's allegations resulted in a substantial interference of reasonable enjoyment of the rental unit by the Tenant.

9. The Act further states that:

29(1) A tenant or former tenant of a rental unit may apply to the Board for any of the following orders:

(3) An order determining that the landlord, superintendent, or agent of the landlord has substantially interfered with the reasonable enjoyment of the rental unit or residential complex for all usual purposes by the tenant or a member of his or her household.

10. On the evidence before me, I find the Tenant's claims of substantial interference, were not met. There is no evidence before me on a balance of probabilities that the Tenant was substantially interfered with by other tenants or the Landlord, other than the Tenant's oral testimony. The Tenant did not introduce any documentary, video or noise measurements during the proceedings to substantiate his allegations of excessive noise, smoking emanating to his rental unit, and the aforementioned maintenance issues. Based on the foregoing, I find there was no substantial interference on a balance of probabilities as the Tenant has not met the burden of proof.

11. I have considered all the evidence, specifically the Tenant's oral evidence presented at the hearing, and although I may not have referenced all of the testimony, I have considered it when making my determinations.
12. The order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The Tenant's T2 application is dismissed.

March 17, 2026
Date Issued

Panagiotis P. Roupas
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.