



Order under Section 30 Residential Tenancies Act, 2006

File Number: LTB-T-060469-25

In the matter of: 204, 105 ONEIDA CRES
RICHMOND HILL ON L4B0H6

Between: Elfreda Wong Tenant

And

Lucy Luting Sun Landlord

Elfreda Wong (the 'Tenant') applied for an order determining that Lucy Luting Sun (the 'Landlord') failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was heard by videoconference on March 12, 2026.

The Tenant and the Landlord attended the hearing.

Determinations:

1. The Tenant seeks an abatement of rent, damages for loss of enjoyment of the rental unit, personal injury, mental distress, discrimination, disrespect, unparticularized health impacts, and harassment because the kitchen sink backed up on April 11, 2025.
2. In *Onyskiw v. CJM Property Management Ltd.* (2016), the Court of Appeal for Ontario explained that the LTB should take a contextual approach and consider the entirety of the factual situation in determining whether there was a breach of the landlord's maintenance obligations, including whether the landlord responded to the maintenance issue reasonably in the circumstances. The court rejected the argument that a landlord is automatically in breach of her maintenance obligation the instant a problem arises.¹
3. I find the application must be dismissed because the Tenant's unchallenged evidence proves on a balance of probabilities that the Landlord responded immediately after she was notified of the sink backup, sent in a professional to investigate its cause, sent its staff to assist the Tenant in wiping up overflowed water and had the issue fully resolved to the Tenant's satisfaction by April 14, 2025.
4. Guided by the decision in *Onyskiw v. CJM Property Management Ltd* (2017), I find the Landlord's response to the backed up sink reasonable in the circumstances and therefore must find the Tenant has failed to prove a breach of section 20 of the *Residential Tenancies Act, 2006* on a balance of probabilities.

¹ 2016 ONCA 477.

It is ordered that:

5. The application is dismissed.

March 20, 2026
Date Issued

Nersi Makki
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.