



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-107397-25

In the matter of: 4, 170 HICKLING TRAIL
BARRIE ON L4M5T8

Between: Anna Moore Group on behalf of Vignahara Corp. Landlord

And

Paul Bresso Tenant

Anna Moore Group on behalf of Vignahara Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Paul Bresso (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

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

Only the Landlord's legal representative Jennifer Fiegehen and Landlord's agent Kerry Coghlan attended the hearing.

The Tenant 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 Landlord's evidence.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy in the application. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.

N5 Notice of Termination

3. On December 3, 2025, the Landlord gave the Tenant an N5 notice of termination, deemed served the same date. The notice of termination contains the following allegations:
 - On November 19, 2025 there was an inspection with the City of Barrie, and all rooms were untidy and dirty;
 - On November 26, 2025, Abell Pest Control went to treat cockroaches but discovered bed bugs, fruit flies, rat droppings in the common areas and in a couple of bedrooms. The cause of this was a lack of cleanliness in the house; and
 - On December 2, 2025, Abell Pest Control went to the rental unit and inspected all areas of concern. Rat dropping were found behind the fridge and under the sink. In addition, there was fruit fly activity in the kitchen and larvae in the garbage lid. Finally, there were bed bugs found in four bedrooms.

Testimony of Kerry Coghlan

4. The witness testified that she is a property manager working at the rental unit. She explained that she was first asked to inspect the rental unit on December 17, 2025, and had never been inside the unit prior to that date. Before the inspection, she had been unable to gain access to the unit despite attempts to do so.
5. During an inspection on December 17, 2025, Ms. Coghlan observed that the Tenant reported difficulty performing daily tasks, including maintaining cleanliness. She found the rental unit to contain significant dirt, indicating it had not been cleaned in a long time. The condition of the rental unit caused her to vomit even while wearing a mask due to the strong smell. Photographs taken during this inspection, which were entered into evidence, showed dirty baseboards and other signs of uncleanness. Pest control records from December 17, 2025 also confirmed the presence of bed bugs and active cockroach activity in the unit.
6. Ms. Coghlan conducted a follow-up inspection on March 5, 2026, and documented her observations in a subsequent email. More recent photographs, also entered into evidence, demonstrated that the unit remained dirty and still required a deep cleaning. She reported continuing issues, including the smell of feces and visible mouse droppings. An additional email dated March 10, 2026 from pest control was referenced by the witness in relation to the ongoing concerns.

Analysis

7. The onus rests with the Landlord to establish, on a balance of probabilities, that the conduct alleged in the N5 Notice occurred, that any damage to the rental unit was caused wilfully or negligently by the Tenant, and that the Tenant failed to correct the behaviour within the seven-day remedial period.

8. The Landlord presented no evidence capable of proving that any of the allegations in the N5 Notice actually occurred. The only witness, Ms. Coghlan, did not attend the rental unit until December 17, 2025, well after the three alleged incidents dated November 19, November 26, and December 2, 2025. The Landlord led no evidence surrounding any of the three dates described in the N5 Notice. As the Landlord was unable to demonstrate that the conduct described in the N5 Notice took place, the application cannot succeed.
9. Even if the Landlord had proven that the alleged incidents occurred, based on the evidence presented at the hearing I am not persuaded that the Tenant acted wilfully or negligently in causing any damage to the rental unit.

It is ordered that:

1. The L2 application is dismissed.

March 19, 2026

Date Issued

Brett Lockwood

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.