



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

File Number: LTB-L-106829-25

In the matter of: 114, 1095 Bartlet Drive
Windsor ON N9G1V3

Between: Chandler Arms Apartments Landlord
Douglas Munn

And

Dave Robbins Tenant

Chandler Arms Apartments and Douglas Munn (the 'Landlord') applied for an order to terminate the tenancy and evict Dave Robbins (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

This application was heard by videoconference on March 17, 2026 at 09:00 am.

The Landlord, Tenant Representative Lauren Piroli and the Tenant attended the hearing.

Preliminary motions:

1. At the outset of the hearing the Tenant Representative requested that the Landlord's application be dismissed as the N5 Notice of Termination was invalid due to an incomplete address on the form; and it lacking sufficient details so that the Tenant could properly respond to the allegations.
2. Confronting the tenant they testified that they received the N5 notice, understood it to be addressed to them and at the time of receipt understood the allegation was they had been playing their music at excessive levels beyond those hours acceptable by local by-laws and thereby interfering with other tenants.
3. Based on the above I denied the request and directed the matter to proceed.

Determinations:

4. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. However, pursuant to the reasons below the tenancy shall continue.
5. The Tenant was in possession of the rental unit on the date the application was filed.

N5 Notice of Termination

Substantial interference

6. On June 23, 2025, the Landlord gave the Tenant an N5 notice of termination deemed served on the same date. The notice of termination contains the following allegations:
 - a. On June 22, 2026 the Tenant was playing music loud after 11:00 pm resulting in complaints from the tenants on either side of the rental unit.
7. The N5 Notice gave a termination date of July 15, 2025 which could be voided by ceasing the alleged activity within seven days of receipt of the N5 Notice.
8. The Landlord attested to serving the N5 Notice and alleged that although the situation had improved, with no further complaints being received, the Tenant did not void the notice within seven days of receipt.
9. In response the Tenant admitted to regularly playing music but denied playing it loud or after 11:00 pm. It was their submission that the complaints stemmed from insufficient insulation between rental units and the age of the building. They also testified to ceasing the playing of music since the Landlord filed their application and willing to comply with a conditional order.

Analysis

10. Based on the above testimony, I am satisfied on the balance of probabilities that the Tenant has interfered with other tenants in the rental complex in that on June 23, 2025 they did play music loud enough to result in complaints. I based this on the fact that no further complaints have since been received and the Tenant admitted to playing music regularly prior to the Landlord filing their application.
11. This conduct substantially interferes with a lawful right, privilege or interest of the Landlord and the other tenants.

Relief from eviction

12. That said given the surrounding circumstances, namely no further complaints have been received, in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. Commencing March 18, 2026 and for a period of 12 months the Tenant shall not play music so loud or at hours such that it results in complaints from other tenants.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.

March 26, 2026
Date Issued

Kelly Delaney
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.