



**Order under Section 78(11)
Residential Tenancies Act, 2006**

File Number: LTB-L-012229-26-SA

In the matter of: 302, 60 YORK ST
WELLAND ON L3B4A8

Between: Niagara Regional Housing Landlord

And

Michael Aubertin Tenant

Niagara Regional Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Aubertin (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on January 16, 2026 with respect to application LTB-L-079719-25.

The Landlord's application was resolved by order LTB-L-012229-26, issued on February 13, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-012229-26.

This motion was heard by videoconference on March 24, 2026. The Landlord's representative Judith Callender, and the Tenant, assisted by his Housing Case Manager, Connie Sawyer, attended the hearing.

Also in attendance as witnesses for the Landlord were the Landlord's Property Manager Melissa Colitti, Charlie Neff and Jummai Zakari, the Tenant's neighbours, who testified at the hearing.

Determinations:

1. On January 7, 2026, the Tenant consented to an order that required the Tenant to refrain from yelling, swearing, or using threatening language, in addition to other conditions.
2. The Tenant denied he had breached the conditions of the order.
3. Testimony from the Tenant's neighbours, one who lives next door to the Tenant and the second who lives two doors away on the same floor, show that on a balance of probabilities, the Tenant breached the conditions of the order on January 26th and 30th, and on February 2nd and 13th. The Tenant was heard yelling and swearing from inside his unit, on his balcony, and in the hallway. The testimony was supported by incident reports the witnesses submitted to the Landlord. In addition, there were two CCTV videos from

the hallway that show the Tenant leaving his unit. One of the two videos shows the Tenant yelling. The second did not clearly demonstrate that the Tenant was yelling.

4. Ms. Zakari testified that she has a 10-year-old child who is uncomfortable with the ongoing issue and that she no longer has visitors due to this issue. In addition to the incidents outlined above, the Tenant was also hearing yelling profanities the day before this hearing.
5. Ms. Sawyer submits that the Tenant has been making huge progress in working with her in her capacity of a housing case manager. The Tenant has been working on his alcohol addiction. The Tenant is now housed after living on the street for thirty years and an eviction would have significant negative effects.
6. The Tenant testified that he did not realize he was breaching the condition to not yell and scream and assured the Board that he would make every effort to top this behaviour.
7. After considering all of the circumstances, and while I appreciate that the Tenant's behaviour is substantially interfering with other tenant's reasonable enjoyment, I also recognize the impact of the Tenant's history, and I find that it would not be unfair to set aside order LTB-L-012229-26. This relief from eviction will provide the Tenant with one last opportunity to cease this behaviour.

It is ordered that:

1. The motion to set aside Order LTB-L-012229-26, issued on February 13, 2026, is granted.
2. Order LTB-L-012229-26, issued on February 13, 2026, is set aside and cannot be enforced.

March 27, 2026

Date Issued

Greg Joy

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.

