



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

File Number: LTB-L-099464-25

In the matter of: 106, 2975 ALBION RD N
OTTAWA ON K1V8S3

Between: Osgoode Properties Landlord

And

Abdifatah Mohamed Mohamoud Tenant
Zakariye Farah Adan

Osgoode Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Abdifatah Mohamed Mohamoud and Zakariye Farah Adan (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

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 9, 2026.

Only the Landlord's Legal Representative, Anne Skelly, attended the hearing.

As of 9:34 a.m., 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 proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. However, I find that a conditional order is appropriate in these circumstances.
2. The Tenant was in possession of the rental unit on the date the application was filed.

N5 Notice of Termination:

3. On November 17, 2025, the Landlord gave the Tenant an N5 notice of termination. The notice of termination alleged that the Tenant substantially interfered with the Landlord's reasonable enjoyment of the residential complex and their lawful rights. The notice alleged that on October 30, 2025 the Tenant had not prepared the unit for pest control treatment. Then on November 13, 2025, the Tenant refused entry for pest control and treatment was again not able to be conducted.
4. After the N5 notice was given, the Landlord rebooked pest control treatment for November 21, 2025, however the Tenant again refused entry.
5. I accept the Landlord's hearsay evidence and find that they have established on a balance of probabilities that the Tenant substantially interfered with their reasonable enjoyment and lawful rights. The Landlord has the right to enter the unit with lawful notice, as well as an interest in ensuring that its pest control measures are not frustrated. I am also satisfied that the Landlord has established that the Tenant did not stop the conduct or activity within seven days after receiving the N5 notice of termination—the Tenant refused entry during the voiding period. Therefore, the Tenant did not void the N5 notice of termination in accordance with s.64(3) of the *Residential Tenancies Act, 2006* (Act).

Section 83 Considerations:

6. The Landlord testified that the Tenant allowed entry to the unit on November 28, 2025 and allowed for treatment to occur.
7. The Landlord is seeking a conditional order that the Tenant allow the Landlord access to the unit and that they pay the filing fee by April 30, 2026.
8. I have considered all of the disclosed circumstances 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. From April 1, 2026 to March 30, 2027, the Tenant shall abide by the following conditions:
 - a. The Tenant shall allow the Landlord to have access to the unit upon receiving a lawful notice of entry;
 - b. The Tenant shall prepare the unit for any pest control treatment as is necessary
3. If the Tenant fails to comply with any of 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.

4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application on or before April 30, 2026.
5. If the Tenant does not pay the Landlord the full amount owing on or before April 30, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 1, 2026 at 4.00% annually on the balance outstanding.

March 31, 2026
Date Issued

Allana McComb
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.