



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

Citation: KLH Housing Corp [KLHHC] v Kennedy, 2026 ONLTB 26264

Date: 2026-03-30

File Number: LTB-L-011111-26-SA

In the matter of: 508, 20 SUSSEX ST S
LINDSAY ON K9V5A8

Between: KLH Housing Corp [KLHHC] Landlord

And

Laurie Kennedy Tenant

KLH Housing Corp [KLHHC] (the 'Landlord') applied for an order to terminate the tenancy and evict Laurie Kennedy (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on March 31, 2025 with respect to application LTB-L-008860-25.

The Landlord's application was resolved by order LTB-L-011111-26, issued on February 10, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-011111-26.

This motion was heard by videoconference on March 23, 2026.

The Landlord's representative Caroline Smith, the Tenant, and the Tenant's representative Holly Chu attended the hearing.

Determinations:

1. The Landlord alleged the Tenant failed to meet a condition specified in the order issued by the LTB on March 31, 2025 with respect to application LTB-L-008860-25 by allowing "no trespass" individuals access to the rental unit on January 12, 2026.
2. By way of background, the residential complex houses at-risk individuals and low-income families. The Landlord produces a "no trespass" each time a new individual is added and posts it in the common areas of the residential complex. The Landlord also provides a copy to individual tenants who may frequently let these individuals in.
3. The Landlord alleges the Tenant allowed access to four individuals on that list on January 12, 2026; "JS", "CP", "JI", and "MT".

Landlord's Evidence

4. An employee for the Landlord Ashely Swanton (AS) testified on behalf of the Landlord. AS reviewed CCTV footage, confirmed the identity of the restricted individuals, and confirmed they were exiting and/or entering the rental unit.
5. AS is familiar with the restricted individuals as they frequent the building, despite being prohibited, and from photos on news articles online regarding their criminal activity.
6. AS is also familiar with the “no trespass” list as she is the one who generates it and posts it in the building. AS has been an employee of the Landlord since July 2024. JS, CP, and JI were on the list prior to her employment. MT was added during the course of AS’ employment. AS testified she delivers a copy of the list to the Tenant when it is updated.
7. On cross examination, AS confirmed the CCTV footage is up to date, has accurate time and date, and labelling of areas they survey. The CCTV footage stills provided as evidence all indicate the images are of the 5th floor. AS confirmed the location of the rental unit.
8. The Landlord provided stills of the CCTV footage and AS confirmed the following:
 1. January 12, 2026 at 12:05AM restricted individual JS exited the rental unit.
 2. January 12, 2026 at 8:57PM restricted individual CP exited the rental unit.
 3. January 12, 2026 at 9:25PM restricted individual JI exited the rental unit.
 4. January 12, 2026 at 11:19PM restricted individual MT exited the rental unit.

Tenant’s Evidence – The Rental Unit

9. The Tenant challenged the Landlord’s evidence; first the Tenant disputed the rental unit in the CCTV footage was not her rental unit.
10. The stills were reviewed at the hearing with the parties. There are unique identifiers around the rental unit door, such as a fire hose directly beside the rental unit door, an emergency light on the wall between the rental unit door and the neighbouring unit, a pull-down fire alarm adjacent to the rental unit, and finally, a bright yellow exit door leading toward a stairwell.
11. The Landlord’s representative was instructed to provide a floorplan of the 5th floor. The Tenant’s representative objected to the late submission of the floorplan.
12. Subsection 201(1)(d) states: “The Board may...during...a hearing, permit or direct a party to file additional evidence with the Board which the Board considers necessary to make its decision.”.
13. Since the Tenant wanted to dispute the Landlord’s evidence, I found it appropriate to use my discretion under subsection 201(1)(d) of the Act and request a copy of the floorplan.
14. I am satisfied, after comparing the stills of the CCTV footage and the floorplan submitted by the Landlord, that the unit in question was the rental unit.

The Restricted Individuals

15. The Tenant testified the last time she received the “no trespass” list was April 2025.
16. The Tenant speculated that the “girl” who does housekeeping let “them” in. Based on this testimony, I am satisfied the Tenant was aware of the restricted individuals being in the rental unit
17. There was no further evidence given of the alleged housekeeper and the Tenant did not call the alleged housekeeper as a witness.
18. On a balance of probabilities, I find that the Tenant knew, as of April 2025, who was on the “no trespass” list. I further find that on January 12, 2026 the Tenant allowed restricted individuals into her rental unit, contrary to the conditional order. I am not satisfied this alleged housekeeper was in the rental unit from 12:05AM to 11:19PM on the same day allowing entry to the restricted individuals.
19. As such, I find the Tenant failed to meet a condition specified in the order issued by the LTB on March 31, 2025 with respect to application LTB-L-008860-25.

The surrounding circumstances

20. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-011111-26.
21. The Tenant testified she has signed a new lease to begin April 1, 2026, although deposits have not been made. I am mindful that deposits are common, however no evidence was put forward to suggest deposits were required. Therefore, I am satisfied that the Tenant is prepared to vacate the rental unit and I find there is no reason to delay lifting the stay.

It is ordered that:

1. The motion to set aside Order LTB-L-011111-26, issued on February 10, 2026, is denied.
2. The stay of order LTB-L-011111-26 is lifted immediately.
3. Order LTB-L-011111-26 is unchanged.

March 30, 2026
Date Issued

Elena Jacob
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.