



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Batzibal v Kazubek, 2026 ONLTB 26355

Date: 2026-03-26

File Number: LTB-L-047564-25-RV

In the matter of: Basement Unit B, 20 LOMBARDY CRES
BRAMPTON ON L6S4L8

Between: Juan Batzibal Landlords
Agustina Ajubatz

And

Mike Kazubek Tenants
Kendra Grundy

Review Order

Juan Batzibal and Agustina Ajubatz (the 'Landlords') applied for an order to terminate the tenancy and evict Mike Kazubek and Kendra Grundy (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlords or another tenant;
- the Landlords require vacant possession of the rental unit in order to do major repairs or renovations to the unit; and
- the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-047564-25 issued on March 24, 2026.

On March 25, 2026, the Tenants requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The order under review finds that the Tenants used the garage in a manner that substantially interfered with the Landlords' reasonable enjoyment of the premises and orders that the Tenants remove their belongings from the garage to the extent necessary to restore the garage to a safe and proper condition, ensure that no doorway or exit is blocked, and cease using the garage as a living, sitting, or recreational area.
2. The Tenants' review request essentially challenges the determination that the Tenants' use of the garage substantially interfered with the Landlords' reasonable enjoyment of

the premises. The Tenants submits that the Member failed to consider that the Tenants used the garage in the manner giving rise to this application for several years without objection from the Landlords and that because the Tenants have been using the garage for years the Tenants should continue to be entitled to use the garage.

3. That the Tenants are entitled to use the garage and that they have used it in a particular way for several years are not relevant to the central determination in this matter: that the Tenants' use of the garage substantially interfered with the Landlords' reasonable enjoyment of the premises. It is *how* the Tenants use the garage, not *that* the Tenants use the garage that is the issue. The Member determined that the Tenants' use of the garage interferes with the Landlords' lawful interest in ensuring that common and ancillary areas of the residential complex are used safely and for their intended purpose. This determination is reasonable on the evidence given at the hearing. That the Landlords did not object to the Tenants' manner of using the garage for four or five years does not change that they have been using the garage in a manner that substantially interferes with the Landlords' interests.
4. The Tenants submit that the remedy is disproportionate to the breach. I disagree. The Tenants had crowded the garage with personal belongings and were ordered not to remove all of those belongings but only to clear out the garage to the extent necessary to restore the garage to a safe and proper condition, ensure that no doorway or exit is blocked, and cease using the garage as a living, sitting, or recreational area. This remedy is designed to capture only the conduct that substantially interferes with the Landlords and so I am not satisfied that it is disproportionate.
5. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-L-047564-25 issued on March 24, 2026 is denied. The order is confirmed and remains unchanged.

March 26, 2026
Date Issued

Renée Lang
Vice Chair, 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.