



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

File Number: LTB-L-010247-26-SA

In the matter of: 0312, 40 MOHAWK RD E
HAMILTON ON L9A2G7

Between: The Effort Trust Company Landlord

And

Harvey Heidkamp Tenants
Antoinette Meiler

The Effort Trust Company (the 'Landlord') applied for an order to terminate the tenancy and evict Harvey Heidkamp and Antoinette Meiler (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on February 25, 2025 with respect to application LTB-L-094263-24.

The Landlord's application was resolved by order LTB-L-010247-26, issued on February 9, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-010247-26.

This motion was heard by videoconference on March 26, 2026. The Landlord's representative Kimberley Holleran, and the Tenant Antoinette Meiler, assisted by William Castellano, who also resides in the rental unit, attended the hearing.

Also in attendance as witnesses for the Landlord were the Landlord's superintendent Alexandra Copland, and Laurie Balogh, who resides in unit 321 in the residential complex, who both testified at the hearing.

Determinations:

1. On February 21, 2025, the parties mediated a settlement with the assistance of a Board Dispute Resolution Officer, where the Tenants consented to an order that the Tenants or another occupant of the rental unit are not to communicate with the tenant of unit 321, for twelve months from February 25, 2025. The tenant who resides in unit 321 is Laurie Balogh.
2. In June 2025, the Landlord alleged that the conditions of the order were breached and filed an L4 application based on that breach. The Board issued an eviction order without a

hearing on August 1, 2025. The Tenants filed a set aside motion which was heard on September 9, 2025. At the hearing the Landlord consented to the motion and the eviction order was set aside.

3. After the hearing on September 9, 2025, and in addition to the Board's order, the Ontario Court of Justice issued an order on October 20, 2025, which ordered the Tenant Antoinette Meiler, to keep the peace and have no communication in any way, either directly or indirectly, by any physical, electronic or other means with Ms. Balogh.
4. On February 3, 2026, the Landlord filed a second L4 application alleging breaches of the order on January 6, 14, 15, and February 2, 2026.
5. On January 6 2026, Ms. Balogh reported a phone call from Ms. Meiler's phone to the superintendent. A screen shot from her phone confirms that calls were received at 3:02pm and 4:38pm from Antoinette.
6. Ms. Meiler testified that the calls were made due to a pocket dial. The Tenant was asked why she kept the phone number on her phone when ordered by the Court not to have any contact. She testified that she didn't think about removing it from her phone.
7. On January 14th and 15th, Ms. Balogh testified that Ms. Meiler was yelling at her while she was in the parking lot that Ms. Meiler wanted to kill her and called her vulgar names and insults.
8. The Landlord entered video footage of Ms. Meiler going down the stairs at the same time Ms. Balogh reported the incidents showing Ms. Meiler going down the stairs, opening the door to the outside for a few moments, and then returning up the stairs.
9. The testimony confirmed there were no other people in the parking lot at the time of the incidents.
10. Ms. Meiler testified that she believes that the video of her is was a breach of her privacy. I find providing CCTV footage as evidence is not a breach of privacy.
11. The Tenant also testified that she received two phone calls from William Castellano. Ms. Balogh's phone log shows a call from a number that was called by the superintendent and answered by Mr. Castellano's voice mail.
12. Ms. Balogh contacted her service provider and confirmed that the number were from Ms. Meiler and Mr. Castellano's phone numbers.
13. Based on the evidence and the testimony from Ms. Balogh and the Landlord's superintendent Alexandra Copland, I find on a balance of probabilities, that Ms. Meiler and Mr. Castellano, who were ordered not to have any contact with Ms. Balogh, have breached the condition for relief from eviction multiple times.
14. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-010247-26.

It is ordered that:

1. The motion to set aside Order LTB-L-010247-26, issued on February 9, 2026, is denied.
2. The stay of order LTB-L-010247-26 is lifted immediately.
3. Order LTB-L-010247-26 is unchanged.

April 2, 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.