



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-098928-25

In the matter of: 413, 155 SHERBOURNE ST
TORONTO ON M5A3W2

Between: Toronto Community Housing Corporation Landlord

And

David Fronce Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict David Fronce (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 February 24, 2026. The Landlord's Agents, M. Kistindey, and M. Gananendran, and the Landlord's Legal Representative, R. Komarov, attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On October 3, 2025, the Landlord gave the Tenant a Notice to End your Tenancy for Interfering with Others, Damage or Overcrowding (N5) with a termination date of October 29, 2025.
4. The Landlord alleged in the notice that the Tenant permitted others in the rental unit and is unable to exercise control over their access to the unit. Following inspections conducted on July 22, 2022, and October 6, 2023, the rental unit was found to be excessively cluttered, and the smoke detector had been removed. From January 12, 2024, and on several specified dates, the Tenant caused noise disturbances, permitted unauthorized guests to

occupy or attend the unit, one of whom threw a glass pipe from the balcony, and continued to keep the unit in a poor condition.

5. The Landlord's Community Services Coordinator testified that on October 4, 2025, the Landlord's community safety unit (CSU) received a complaint that there were ten people in the unit partying. The Landlord's entry of the incident, presented as evidence at the hearing reads that on October 4, 2025, at 5:00 a.m.:

The complainant reports a loud party with over 10 people in unit 413. CSU attended the address, door answered by non tenant. Multiple guests inside, no noise being made.

6. Section 64(3) of the *Residential Tenancies Act, 2006* ('the Act') provides that a first N5 is voided if the Tenant, within seven days after receiving the notice, stops the conduct or activity or corrects the omission complained about. In this case, the seven-day voiding period ran from October 4, 2025, to October 10, 2025.
7. I am satisfied that the Tenant stopped the conduct or activity or corrected the omission within seven days after receiving the N5 notice of termination. The complaint from October 4, 2025, was not documented in writing and neither the complainant nor the author of the report attended the hearing. No specific time was given for when the alleged noise occurred, nor was any description of the noise provided. In addition, the author of the report who attended the unit on October 4, 2025, confirmed that no noise was occurring at the time of their attendance.
8. Based on the foregoing, the Tenant voided the N5 notice of termination in accordance with section 64(3) of the Act.

It is ordered that:

1. The Landlord's application is dismissed.

April 2, 2026
Date Issued

Jitewa Edu
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.