



Order under Section 69 Residential Tenancies Act, 2006

Citation: Kuhnreich v Williams, 2026 ONLTB 28995

Date: 2026-04-14

File Number: LTB-L-109554-25

In the matter of: 509, 819 KENNEDY RD
SCARBOROUGH ON M1K2E4

Between: Heshi Kuhnreich Landlord

And

Harry Williams Tenant

Heshi Kuhnreich (the 'Landlord') applied for an order to terminate the tenancy and evict Harry Williams (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 April 7, 2026.

The Landlord, the Tenant, and the Tenant's Legal Representative Jennifer Priestley 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 July 4, 2025, the Landlord gave the Tenant a first, voidable N5 notice of termination ('N5 Notice'), alleging substantial interference with reasonable enjoyment. Therefore, the Landlord was allowed to give the Tenant a second, non-voidable N5 notice of termination under section 68 of the *Residential Tenancies Act, 2006* (Act).

4. On December 1, 2025, the Landlord gave the Tenant a second N5 notice of termination ('2nd N5'). The notice of termination alleged that the Tenant urinated in the stairwell of the residential complex on November 6, 2025.
5. The Landlord testified that he was not present at the incident. Another tenant had complained about the smell of urine in the stairwell to the superintendent, who cleaned up the liquid. The Landlord then checked the security footage and saw the Tenant entering the stairwell at 7:43 PM on November 6, 2025, and leaving the stairwell at 7:46 PM. The Landlord presented this video as evidence, which also showed the Tenant seemingly adjusting his pants before exiting the stairwell. According to the Landlord, no one else had entered the stairwell for hours before and after the Tenant.
6. The Tenant testified that he was visiting a friend who also lives in the same building and could have easily used the washroom there. The Tenant denied urinating in the stairwell, explaining that the video showed him looking for his keys, not adjusting his pants. The Tenant testified that the stairwell window had been open for two weeks, which allowed rainwater to enter. According to the Tenant, the superintendent did not clean the water from the floor that whole time.
7. I prefer the direct testimony of the Tenant over the hearsay evidence of the Landlord. Neither the complaining tenant nor the superintendent were present to testify about the state of the stairwell. The video provided by the Landlord did not definitively confirm that the Tenant urinated there, only that he climbed the stairs. The Landlord was not present for the incident and did not witness the smell of the stairwell. The Landlord argued that it took the Tenant longer to climb the stairs than a reasonable person would. However, seeing as the video showed the Tenant wobbling as he walked down the hallway, I find it more likely that the delay in climbing the stairs was the result of alcohol intake rather than urination in the stairwell.
8. Therefore, I am not satisfied, on a balance of probabilities, that the Tenant substantially interfered with the Landlord's or another tenant's reasonable enjoyment of the residential complex by urinating in the stairwell on November 6, 2025.

It is ordered that:

1. The Landlord's application is dismissed.

April 14, 2026
Date Issued

Kate Sinipostolova
Member, Landlord and Tenant Board

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