



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

File Number: LTB-L-009496-26-SA

In the matter of: BSMT#1, 24 MILLWARD CRES
AJAX ON L1T4M6

Between: Sami Syed Landlord

And

Blyss Alexis Nicole Garel Tenant

Sami Syed (the 'Landlord') applied for an order to terminate the tenancy and evict Blyss Alexis Nicole Garel (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on June 26, 2025 with respect to application LTB-L-013582-25.

The Landlord's application was resolved by order LTB-L-009496-26, issued on February 6, 2026. This order was issued without a hearing being held.

This application was heard by videoconference on April 13, 2026. The Landlord and the Tenant attended the hearing. Also in attendance witness for the Landlord was Andrew Bradshaw, and as witness for the Tenant was Randy Mensah.

Determinations:

1. The Board granted relief from eviction on the condition the Tenant, guests or occupants of the rental unit do not smoke cigarettes or marijuana in the rental unit of within 9 metres of doorways, operable windows and air intakes of the residential complex. The Landlord fined an L4 application to terminate the tenancy based on a breach of the conditions set out in the order under section 78 of the *Residential Tenancies Act*.
2. Section 78 of the *Residential Tenancies Act* states that a landlord may apply to the Board for an order terminating a tenancy if the following criteria are satisfied:
 - An order with respect to the previous application imposed conditions on the tenant that, if not met by the tenant, would give rise to the same grounds for terminating the tenancy as were claimed in the previous application.
3. The Landlord's previous application was based on an N7 notice of termination claiming that the Tenant had seriously impaired safety and that the Tenant had substantially interfered with the Landlord's reasonable enjoyment.

4. The Landlord claims the Tenant and her partner have been smoking within 9 meters of the rental unit, which is located in the basement of the home. The Landlord introduced several security camera videos of the Tenant and her partner coming and going from the unit. One video shows the Tenant's partner walking away from the home beside the driveway and lighting a cigarette. The other videos do not directly show anyone smoking, but do show disposal of what appear to be cigarette butts.
5. There was also evidence introduced of the Landlord smoking cigarettes in the garage. The Landlord acknowledged that he does smoke.
6. The Tenant denies that they have smoked in breach of the order and testified that they extinguish the cigarettes before they arrive. There was also a video to support this testimony.
7. In this case, the Landlord has not addressed or established how smoking cigarettes outside has substantially interfered with the Landlord's reasonable enjoyment, which is required under section 78 of the Act. In addition, I find it would be unreasonable to terminate the Tenant's tenancy when the Landlord demonstrates the same behaviour in the residential complex.
8. The Landlord witness, Andrew Bradshaw, visited the home on one occasion, January 26, 2026, at the invitation of the Landlord. The witness testified that he could smell marijuana smoke when he entered the home.
9. The Tenant denied smoking marijuana in the rental unit. The Tenant also testified that there is another tenant living in a unit in the basement as well, who also smokes cigarettes and marijuana.
10. The Landlord testified that the other tenant has stopped smoking. The other tenant was not present to confirm either parties testimony.
11. The Tenant introduced a photograph of a Fire Marshall attending her unit and a video of the Fire Marshall confirming there was no smell of smoke or residue of smoke in the unit.
12. I am not satisfied that the Landlord has established that the smell of marijuana smoke is from the Tenant's rental unit or that the smell substantially interfered with reasonable enjoyment or seriously impaired safety, which is the required test under section 78 of the Act to terminate this tenancy.

It is ordered that:

1. The Landlord's application is dismissed.

April 22, 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.