



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

Citation: Toronto Community Housing Corporation v Bell, 2026 ONLTB 31424

Date: 2026-04-21

File Number: LTB-L-101213-25-SA

In the matter of: 311, 4205 LAWRENCE AVE E
SCARBOROUGH ON M1E4S6

Between: Toronto Community Housing Corporation Landlord

And

Michael Bell Tenant
Janet Brakohiapa

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Bell and Janet Brakohiapa (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on November 13, 2025 with respect to application LTB-L-051443-24.

The Landlord's application was resolved by order LTB-L-101213-25, issued on December 8, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-101213-25.

This motion was heard by videoconference on April 8, 2026.

The Landlord's legal representative Nayva Menon and the Tenant's legal representative Janet Brakohiapa attended the hearing.

Zana Bruce-Appiah attended the hearing as a witness for the Landlord. Milton Forrester attended the hearing as a witness for the Tenant.

Determinations:

There was a breach of the previous order

1. The Tenant failed to meet a condition specified in the order issued by the LTB on November 13, 2025 with respect to application LTB-L-051443-24.

2. In particular, I am satisfied based on the testimony of Zana Bruce-Appiah that the Tenant tampered with or modified the smoke detector in the rental unit on or around November 26, 2026. Ms. Bruce-Appiah testified that she attended the Tenant's rental unit on that date for a scheduled inspection. She testified that the Tenant did not admit her into the rental unit at this time, but that she observed a smoke alarm covered with a plastic bag from the doorway.
3. I found Ms. Bruce-Appiah's testimony highly credible. She provided a detailed account of her interaction with the Tenant, and this account was not challenged on cross-examination.
4. The Tenant's representative did not present any evidence with respect to the events of November 26, 2025.
5. Based on this evidence, I am satisfied that the modification of the smoke alarm on November 26, 2025, constitutes a breach of the conditions set out in LTB-L-051443-24.
6. I note that the Landlord alleged another breach of LTB-L-051443-24 on November 7, 2025. However, this is not possible as order LTB-L-051443-24 was not issued and did not come into effect until November 13, 2025.

The surrounding circumstances

7. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-101213-25.
8. Mr. Milton Forrester, the Tenant's mental health caseworker, testified at the hearing on the Tenant's behalf. He indicated that he has been working with the Tenant for approximate one-and-a-half years to address the issues between the Tenant and the Landlord and is of the view that the Tenant has corrected his behaviour since the breach. He testified that the Tenant has been responsive to treatments for his mental health condition and wants to stay in the rental unit.
9. I found Mr. Forrester's testimony to be credible. He was able to provide clarifications of his interactions with the Tenant under cross-examination and his explanation of the events at issue was clear and consistent.
10. Ms. Bruce-Appiah also testified that she visited the Tenant's rental unit the day before the hearing and did not observe any additional breaches of the interim order. She testified that Mr. Forrester was with the Tenant in the rental unit and that the Tenant let Ms. Bruce-Appiah into the unit without incident. She testified that she believed the Tenant would be able to comply with a conditional order going forward.
11. Given these circumstances, I find that it would not be unfair to set aside order LTB-L-101213-25. Based on submissions of the parties,

It is ordered that:

1. The motion to set aside Order LTB-L-101213-25, issued on December 8, 2025, is granted.

2. Order LTB-L-101213-25, issued on December 8, 2025, is set aside and cannot be enforced.
3. The previous order issued on November 13, 2025 with respect to LTB-L-051443-24 is cancelled and replaced by the terms set out below, based on the submissions of the parties at the hearing.
4. The Tenant shall refrain from the following conduct:
 - a. Tampering with the structural integrity of the rental unit;
 - b. Tampering with the electrical wiring and/or connections in the rental unit;
 - c. Conducting any unapproved renovations/modifications in the rental unit; and,
 - d. Blocking, disconnecting, or modifying the smoke detector in the rental unit.
5. The Landlord may conduct monthly inspections of the rental unit, provided notice is provided in accordance with the Act and in advance of the inspection and the Tenant shall not deny this entry.
6. If the Tenant fails to comply with paragraphs 4 and 5 of this order from April 21, 2026, to April 20, 2028, the Landlord may, without notice to the Tenant and within 30 days of the breach, apply to the Board pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant.
7. Prior to filing any application with the Landlord and Tenant Board in relation to any alleged breaches of this order, the Landlord shall notify the following parties of their intent to do so:
 - a. The Tenant;
 - b. Milton Forrester, the Tenant's Mental Health Caseworker; and,
 - c. Imbisat Chowdhary, the Tenant's caseworker at the Scarborough Community Legal Clinic.
8. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing application LTB-L-051443-24, if he has not done so as of the date this order is issued.
9. If the Tenant does not pay the Landlord the full amount owing on or before May 2, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 3, 2026 at 4.00% annually on the balance outstanding.

April 21, 2026
Date Issued

Jeremy Henderson
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.