



Order under Section 69 Residential Tenancies Act, 2006

Citation: LOTEY v MUTETE, 2026 ONLTB 35392

Date: 2026-05-04

File Number: LTB-L-008661-26

In the matter of: BASEMENT, 184 DINISON CRESCENT
KITCHENER ON N2E2V2

Between: Randhir Lotey Landlord

And

Rebecca Mutete Tenant

Randhir Lotey (the 'Landlord') applied for an order to terminate the tenancy and evict Rebecca Mutete (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the building has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord in a building that has three or fewer residential units and the Landlord resides in the building.

This application was heard by videoconference on April 28, 2026.

The Landlord's agent, Michele Buchanan-Aubut, and the Tenant 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 or the claim for compensation in the application. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On January 20, 2026, the Landlord gave the Tenant an N7 notice of termination. The notice of termination contains the following allegations: on December 9, 2025 the Tenant entered the Landlord's area of the residential complex and turned off the heat to the Landlord's unit, and on two occasions the Tenant refused access to their unit for maintenance to the shared heating system.
4. The building has three or fewer residential units and the Landlord lives in the building.

5. The Landlord did not prove that the Tenant interfered with the Landlord's reasonable enjoyment of the residential complex. The only evidence provided was the oral testimony of the Landlord's agent, who was not present for any of the alleged incidents. Although police reports and surveillance videos were referenced, the Landlord's agent did not feel the need to file any of these supporting documents as evidence. I find that the hearsay evidence of the Landlord's agent was not sufficiently credible or reliable to prove the application.

It is ordered that:

1. The application is dismissed.

May 4, 2026
Date Issued

Dawn Carr
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.