



Order under Section 69 Residential Tenancies Act, 2006

Citation: RICHARD v GARGETT, 2026 ONLTB 35401

Date: 2026-05-06

File Number: LTB-L-011286-26

In the matter of: 191 BRITANNIA AVE
HAMILTON ON L8H1X7

Between: Troy Richard Landlord

And

Steven Gargett Tenant

Troy Richard (the 'Landlord') applied for an order to terminate the tenancy and evict Steven Gargett (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

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

The Landlord 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 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 26, 2026, the Landlord gave the Tenant an N7 notice of termination. The notice of termination contains the following allegations: on January 26, 2026 the Tenant placed his car cover (tarp) over the water heater and furnace exhaust vents, creating a carbon monoxide risk for all occupants of the residential complex.
4. The Landlord has not proven that the Tenant has seriously impaired the safety of the occupants of the residential complex. During winter months the Tenant devised a plan to place a tarp over his car to aid in snow removal after a snow fall. The tarp was secured to the front mirrors with rope and anchored at the back with bricks. It is not disputed that the

tarp ended up covering the exterior exhaust vents on January 26, 2026. However, no witnesses can confirm how the tarp ended up covering the vents. The Tenant says that when they removed the tarp from their car before leaving in the morning, they placed it on the ground with approximately 10-20 pounds of snow that had accumulated on it and placed the anchoring bricks on top for additional weight. They believed this would be sufficient to ensure the tarp was not blown away. I am satisfied that the Tenant did not deliberately place the tarp in an unsafe location and took reasonable steps to avoid such a problem. Accordingly, I find that the evidence does not support a finding that the Tenant seriously impaired the safety of the occupants of the residential building.

It is ordered that:

1. The application is dismissed.

May 6, 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.