



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

File Number: LTB-T-041582-24-RV2

In the matter of: 723, 240 WELLESLEY ST E
TORONTO ON M4X1G5

Between: Sasha-gaye Orinthia Chambers Tenant

And

Wellesley parliament square apartments Landlord

Review Order

Sasha-gaye Orinthia Chambers (the 'Tenant') applied for an order determining that Wellesley parliament square apartments (the 'Landlord') entered the rental unit illegally.

This application was resolved by order LTB-T-041582-24-RV issued on March 2, 2026.

On March 11, 2026, the Landlord requested a review of the order.

On March 13, 2026 interim order LTB-T-041582-24-RV-IN was issued.

The review request was heard by videoconference on April 27, 2026.

The Tenant, the Landlord's legal representative Charlie Bobrowsky and the Landlord's witness Jovan Bojicic attended the hearing.

Determinations:

Review request

1. By way of background, the Tenant proved on a balance of probabilities that the Landlord illegally entered the rental unit on or about March 18, 2024. As a result, the hearing member granted the Tenant a rent abatement in the amount of \$500.00.
2. At the merits hearing, the Landlord acknowledged that notice of entry was not given to the Tenant, but argued that entry was justified by virtue of section 26(a) of the *Residential Tenancies Act, 2006* (the "Act") which provides that "*A landlord may enter a rental unit at any time without written notice, (a) in cases of emergency...*". While the member found the Landlord's witness/superintendent to be "credible", the member declined to find there was any "emergency". A plain reading of the Order shows the hearing member declined to find an "emergency" existed based solely upon the lack of documentary evidence presented to show there was a clogged kitchen drain which resulted in a water leak to the unit below.

The hearing member, in this regard, noted that “*such a justification must be supported by documentary evidence*”[emphasis added]

3. The review request (RTR) thus claims that board order LTB-T-041582-24-RV issued on March 2, 2026 (the “Order”) contains a serious error as a result of applying an incorrect evidentiary standard for an emergency entry, namely that “documentary” evidence must be produced to justify such an entry.
4. For the reasons that follow, the RTR is granted. It is well established that evidence at a hearing may come in various forms, including documentary/video submissions and/or oral testimony. Here, the Tenant was not present at the time of entry to meaningfully rebut the Landlord’s witness’ direct oral evidence of a clogged kitchen drain resulting in a leak to the lower unit. Regardless and notwithstanding the member’s finding that the Landlord’s witness/superintendent was “credible”, the member declined to find an “emergency” existed merely due to the lack of supporting documentary evidence. As a result, the member gave insufficient weight to the largely – if not entirely - uncontradicted oral testimony of the Landlord’s witness which the Order shows the member found to be believable. I find the member seriously erred as a result.
5. The Landlord’s RTR was thus granted for the limited purpose of rehearing the Tenant’s claim of illegal entry.

Limited Hearing re: illegal entry

6. The Landlord’s superintendent Jovan Bojicic (JB) testified that in or about March 18/19, 2024, the tenants immediately below the rental unit called to advise there was a ceiling leak resulting in water leaking into their living room. As a result, JB attended at the rental unit alongside a plumber and knocked on the rental unit door, but there was no answer. After looking in the mail slot and quickly assessing the unit as being “empty”, JB proceeded to enter. The Landlord did not produce any documentary evidence such as pictures or invoices; however JB testified he observed the kitchen drain to be clogged and there was water on the living room/kitchen floors.
7. The Tenant Sasha-Gaye Orinthia Chambers (SC) was not present for the entry in question, but advised she returned to the rental unit in or around March 26, 2024 and discovered the entry at that time. The Tenant, however, disputes there was a “emergency” in the rental unit and produced evidence of phone discussions / documentary communications with the Landlord in the days/weeks that followed. According to the Tenant, the Landlord never advised her of the reason for entry, thus suggesting there was no “emergency”. Upon returning to the rental unit, SC added her family felt unsafe and it was noted the Landlord’s entry was accompanied by some of the Tenant’s items being discarded.
8. The onus to prove the allegations on a balance of probabilities rest with the Tenant.
9. Based upon the evidence presented, I am not satisfied the Tenant has established on a balance of probabilities that there was an illegal entry in the rental unit on March 18, 2024 (or March 19, 2024 as corrected at the review hearing). In this regard, I find JB’s direct and detailed testimony of a flood in the rental unit more believable than the Tenant’s mere suspicions.

10. While initially it is somewhat suspicious as to why the Landlord did not notify the Tenant of the flood – either immediately upon its occurrence or in later discussions – JB testified the Landlord believed the Tenant had already vacated the rental unit, making the Landlord's lack of communication more believable in the circumstances.
11. As I do not find the Landlord illegally entered the rental unit in or around March 18/19, 2024, the Order shall be amended to remove the illegal entry abatement of \$500.00.

It is ordered that:

1. The request to review order LTB-T-041582-24 issued on March 2, 2026 is granted for the limited purpose of rehearing the Tenant's claim of illegal entry.
2. LTB-T-041582-24 issued on March 2, 2026 is amended as follows:

Paragraph 1 of the order is deleted and replaced with the following

1. The total amount the Landlord shall pay the Tenant is \$240.95. This amount represents
 - \$192.95 for the reasonable costs that the Tenant has incurred or will incur to replaced property that was disposed of a result of the Landlord's actions; and,
 - \$48.00 for the cost of filing the application.
3. The balance of order LTB-T-041582-24 issued on March 2, 2026 remains in full force and effect.

May 11, 2026
Date Issued

Peter Nicholson
Member, Landlord and Tenant Board

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