



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

File Number: LTB-L-024167-25-SA-AM

In the matter of: 902, 31 TICHESTER RD
Toronto ON M5P3L8

Between: Yarford Charitable Foundation Landlord

And

Elizabeth Kennedy Tenant

The Tenant's representative requested an amendment to the order based on what was stated at the hearing. At the hearing I stated that the condition to be in compliance would be continue to be subject to section 78. The recording accurately reflects this request.

Yarford Charitable Foundation (the 'Landlord') applied for an order to terminate the tenancy and evict Elizabeth Kennedy (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on March 27, 2024 with respect to application LTB-L-078665-22.

The Landlord's application was resolved by order LTB-L-024167-25, issued on April 22, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-024167-25.

This motion was heard by videoconference on April 2, 2026. The Landlord's representative David Ciobotaru, the Landlord's Property Manager David McFarlane, and the Tenant represented by Olivia Dooley, attended the hearing.

Determinations:

1. At a hearing on June 12, 2025, it was determined that the Landlord had a duty to accommodate the Tenant's disability under the *Human Rights Code*. The matter was adjourned to provide an opportunity to assist the Tenant with decluttering the rental unit.
2. The matter was reconvened on September 9, 2025. It was determined that additional efforts were required to assist the Tenant. The Tenant's representative submitted that the VHA was ready to assist the Tenant with decluttering the unit. Lucie Hager testified that she was directly involved with assisting the Tenant.
3. On October 27, 2025 the matter was adjourned. VHA had made efforts to assist the Tenant and the adjournment was to provide VHA more time to assist the Tenant into

compliance. It was determined that the Tenant had made significant progress toward returning the rental unit into an ordinary state of cleanliness. The one remaining issue was to clear a one-meter pathway in the access to and from all rooms/areas of the dwelling unit.

4. At this hearing on April 2, 2026, the Tenant introduced a letter from Zoltan Akanisz from Toronto Fire Services showing that the status of the unit now meets the conditions/actions required, set out in the Inspection Order. As compliance has been achieved no further re-inspections are required unless the court decides to evict.
5. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-024167-25.
6. Considering the history of this tenancy, and the fact that order LTB-L-078665-22 is set to expire on April 22, 2026, the fact the Ms. Hager testified she will continue to work with the Tenant, and the fact that the former condition of the unit created a potential fire hazard, I find it reasonable to extend the conditions for compliance until the end of 2026 to ensure the unit remains in a state of ordinary cleanliness.

It is ordered that:

1. The motion to set aside Order LTB-L-024167-25, issued on April 22, 2025, is granted.
2. Order LTB-L-024167-25, issued on April 22, 2025, is set aside and cannot be enforced.
3. Order LTB-L-078655-22 is amended **to ensure the Tenant is in compliance with the fire code** and continues until December 31, 2026.

Amended: May 7, 2026

April 13, 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.

