



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-084496-25

In the matter of: 23, 208 Queen Street South
Durham, ON ON N0G1R0

Between: Grey County Housing Landlord

And

Joshua Brown Tenant

Grey County Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Joshua Brown (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

This application was heard by videoconference on March 26, 2026.

Only the Landlord's Legal Representative Michael Macleod attended the hearing.

As of 1:17 pm, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

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 September 22, 2025, the Landlord gave the Tenant a first N5 notice of termination. The notice alleged that the Tenant, another occupant of the rental unit, or a guest substantially interfered with the reasonable enjoyment of another tenant by causing loud noise and by looking into another tenant's window with a flashlight.
4. Because this was a first N5 notice, the Tenant had an opportunity to void the notice by correcting the conduct within the seven-day voiding period. In order to succeed on the application, the Landlord was required to prove, on a balance of probabilities, that the conduct was not corrected during that period.

5. The Landlord did not file any documentary evidence in support of the application before the hearing and did not call any witness with firsthand knowledge of the alleged incidents or of any conduct during the voiding period. On the date of the hearing, the Landlord's Agent attempted to rely on an internal memorandum he had authored summarizing complaints received from other tenants. I ruled that document inadmissible because it had not been disclosed to the Tenant before the hearing. Apart from that document, the Landlord's Agent gave hearsay evidence that police were looking for the Tenant during the voiding period and that noise continued to disturb another tenant. However, no dates, times, particulars, or evidence of the nature or impact of the alleged conduct were provided, and the affected tenant did not attend to testify.
6. The Tenant's failure to attend does not relieve the Landlord of the obligation to prove the application. On the evidence before me, I am not satisfied that the Landlord has proven that the alleged conduct continued during the voiding period or that the first N5 notice was not voided. The Landlord has therefore not met its evidentiary burden, and the application must be dismissed

It is ordered that:

1. The Landlord's application is dismissed.

May 13, 2026
Date Issued

Kyle Anderson
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.