



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

File Number: LTB-L-021191-26-SA

In the matter of: 2A, 71 MARY ST
BARRIE ON L4N1T2

Between: 71-73 Mary Ontario Inc Landlord

And

Enzo Santelli Tenant

71-73 Mary Ontario Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Enzo Santelli (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on August 19, 2025 with respect to application LTB-L-031263-25.

The Landlord's application was resolved by order LTB-L-021191-26, issued on March 16, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-021191-26.

This motion was heard by videoconference on May 4, 2026. The Landlord Parpai Gravelle, represented by Kamal M-Razabeik, and the Tenant represented by Michael Pilieci, attended the hearing.

Determinations:

1. The Tenant consented to an order to refrain from engaging in aggressive behaviour with the Landlord, the Landlord's Agent, or other residents of the residential complex and to keep the common areas clean and garbage free, among other conditions. The Landlord alleges the Tenant breached these two conditions of the order.
2. The Landlord alleges that on February 10, 2026, the Tenant engaged in an aggressive confrontation with the Landlord and a worker in the building.
3. The Landlord introduced a 4 minute and 17 second surveillance video, which shows two men moving a door from the kitchen area and toward the stairs to take the door downstairs as well as a third man appearing later with a drill in his hand. The video has no audio.
4. The surveillance video also shows that the Landlord was using her phone to record the alleged incident. This video was not entered as evidence and presumably had audio.

5. For the first 39 seconds the video shows the two men are standing with the door ready to take it downstairs. The Tenant is attempting move onto the second floor and can be seen interacting with the two men and the Landlord. At 39 second, the Tenant and the Landlord move out of view until 2:00 minutes when they return into view. There is verbal interaction until 2 minutes and 20 seconds when the Landlord goes down the stairs. Shortly after the Tenant is seen entering his room.
6. The Tenant testified that he was agitated that there was no notice provided that there would be work done in the common area. The Landlord testified that notice was served and posted. There is no evidence of a notice.
7. A second surveillance video, which was entered three times, that shows police on the second floor. The Tenant called the police alleging that he was assaulted when the Landlord and one of the men placed their hands on the Tenant. None of the video shows this interaction. The Tenant testified that the man in the red hat in the video told him to "get the f_ck out of my way".
8. Throughout the hearing, the Landlord continued to interrupt her representative's efforts to present the Landlord's case and present evidence. The representative instructed his client to stop interrupting and remain on mute. After multiple interruption the representative was directed to have his client testify if she continued to interrupt. The representative was also informed that if the Landlord chose to testify at that point of the hearing, that no further evidence would be accepted. The Landlord chose to testify.
9. The Landlord testified that the Tenant had engaged in aggressive behaviour, was yelling and escalating the situation.
10. The Tenant denied he was being aggressive and wanted the Landlord to explain why work was taking place without notice.
11. The Landlord's representative points to two text messages from another resident complaining about the Tenant. Despite being informed that if the Landlord chose to testify there would be no further evidence accepted, I permitted the Tenant the Tenant testify about the messages. The Tenant testified that he is friends with the other tenant and that he had actually helped him get work as he was struggling. There is no date with these messages and as such it cannot be confirmed if the messages were prior to the issuance of the order. The person who wrote the messages was not present to testify or be cross examined.
12. The Landlord's representative also wanted to point out a breach of keeping the common area clear after the parameters of the hearing had been established at the beginning of the hearing. Despite this, the video does not show a breach of this condition.
13. Considering the fact that there were three other people in the video who could have testified independently to what occurred, and that the Landlord was recording the incident and chose not to submit the recording as evidence, I find there is insufficient evidence, apart from the 20 seconds between when the parties entered the surveillance video and the time the Landlord went downstairs, to support the Tenant is in breach of the order and should be evicted.

14. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-021191-26.

It is ordered that:

1. The motion to set aside Order LTB-L-021191-26, issued on March 16, 2026, is granted.
2. Order LTB-L-021191-26, issued on March 16, 2026, is set aside and cannot be enforced.

May 19, 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.