



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-023917-26-AM

In the matter of: 106, 479C CARLTON ST
ST CATHARINES ON L2M4Y6

Between: Niagara Regional Housing Landlord

And

Paul Vendittelli Tenant

Niagara Regional Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Paul Vendittelli (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's representative Judith Callender, the Landlord's property manager Tammy Marquis, the Tenant and the Tenant's sister Connie Venditelli attended the hearing.

This amended order is issued to correct clerical errors in the order issued on May 14, 2026.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. However, the tenancy will continue with a conditional order.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On March 11, 2026, the Landlord gave the Tenant an N7 notice of termination alleging the Tenant caused serious impairment of safety on February 6 and 9, 2026.
4. It is undisputed that on February 6, 2026 the smoke detector was activated in the rental unit and that on February 9, 2026 the smoke detector was activated in the rental unit resulting in the fire department attending the rental unit.

Landlord's Evidence

5. Tammy Marquis (TM) testified for the Landlord. TM testified on February 6, 2026 at approximately 10:15PM an employee for the Landlord received a complaint from a neighbouring tenant regarding the smoke detector being activated in the Tenant's rental unit. TM testified that when the employee arrived at the rental unit, he found a hot plate unattended and the Tenant unconscious in the bathroom. The unattended hot plate was the cause of the smoke detector being activated. TM testified she was told by the employee that the Tenant appeared to be intoxicated.
6. TM testified on February 9, 2026 at approximately 7:30PM she was notified of the smoke detector in the rental unit being activated and the entire building alarm had been engaged. When TM arrived at the scene she spoke with the Tenant who told her he was attempting to light a cigarette with a toaster.
7. Brock Davison (BD) is a captain with the City of St. Catherine's Fire Department. He responded to the incident on February 9, 2026. The Landlord provided a copy of the report that was generated by BD. Based on the report and BD's direct testimony the smoke detectors were activated by a cigarette that was left unattended on a plastic bin.

Analysis

8. This notice was served pursuant to section 66(1)(a) of the *Residential Tenancies Act, 2006* (the "Act") which states:

66(1) A Landlord may give a tenant notice of termination of the tenancy if,

a) An act or omission of the tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant seriously impairs or has seriously impaired the safety of any person; and

b) the act or omission occurs in the residential complex.

9. The Divisional Court decisions in *Musse v. 6965083 Canada Inc.*, 2021 ONSC 1085 (CanLII) and *Furr v. Courtland Mews Cooperative Housing Inc.*, 2020 ONSC 1175 (CanLII) confirm that serious impairment of safety includes both actual impairment and a real risk of impairment.
10. I am satisfied based on the undisputed evidence before me that the conduct of the Tenant created a real risk of impairment. As such, the Landlord's application for termination is granted.

Relief from Eviction

11. TM testified that on March 24, 2026 the fire department had to attend the rental unit because of an activated smoke detector. The report from the fire department indicated that the cause of the smoke was from an unattended cigarette that was in the plastic garbage can in the Tenant's bathroom.

12. TM testified that the Landlord is concerned about the wellbeing of the Tenant and the neighbouring tenants. TM stated she believes the Tenant cannot live independently and the Landlord is not an assisted living facility.
13. The Tenant testified during the time of these incidents he was struggling with an alcohol addiction. Prior to these incidents the Tenant was sober. The Tenant had a nurse who would attend the rental unit to help him with daily activities. In January 2026 the nurse was no longer assigned to help the Tenant as the Tenant was deemed to be fit without help from the nurse. Losing the nurse caused the Tenant to feel depressed and turned to alcohol to cope with the loss.
14. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act. I have considered the incidents are isolated and this is a long-term tenancy and find the conditional order to be appropriate; This preserves the tenancy and minimizes prejudice to the Landlord as if the Tenant does not comply with the order, the Landlord may bring an application to terminate the tenancy without further notice to the Tenant.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. For a period of 12 months beginning May 19, 2026 through to and including **April 30, 2027** the Tenant shall not engage in activities that result in the smoke detector being activated. These activities include but are not limited to smoking inside the rental unit, disposing of cigarettes improperly, or leaving a hot plate or other cooking apparatuses unattended.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before May 19, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 20, 2026 at 4.00% annually on the balance outstanding.

May 14, 2026
Date Issued

Elena Jacob
Member, Landlord and Tenant Board

May 21, 2026
Date Issued

Elena Jacob
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.