



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

Citation: Toronto Community Housing Corporation v Guy, 2026 ONLTB 41144

Date: 2026-05-28

File Number: LTB-L-017007-26-SA

In the matter of: 1706, 341 BLOOR ST W
TORONTO ON M5S1W8

Between: Toronto Community Housing Corporation Landlord

And

Kenneth Guy Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Kenneth Guy (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on January 26, 2026 with respect to application LTB-L-020922-24.

The Landlord's application was resolved by order LTB-L-017007-26, issued on March 2, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-017007-26.

This motion was heard by videoconference on May 11, 2026.

The Landlord's agent, Camille Abraham, the Landlord's legal representative, John Edlund, and the Tenant attended the hearing.

Determinations:

There was a breach of the previous mediated settlement

1. The Tenant failed to meet a condition specified in the order issued by the LTB on January 26, 2026 with respect to application LTB-L-020922-24: For the duration of the tenancy the Tenant shall not commit any illegal act in the rental unit or the residential complex. The Tenant was charged with assault with a weapon relating to an incident on February 7,

2026. The evidence of the parties confirms that there was an altercation, and the criminal charge supports a finding on a balance of probabilities that a breach occurred.

The surrounding circumstances

2. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-017007-26.
3. The parties agree that on February 7, 2026 the Tenant heard a loud banging at his door, after which he left his unit while holding a crow bar. The Tenant encountered another resident who he believed to be the one who banged on his door; an altercation ensued and both individuals were charged. The charges are still before the Court.
4. The Landlord relied on the testimony of Detective Constable Madison Bygrave. DC Bygrave is the investigating officer assigned to the case but was not one of the officers who initially responded. She relied on the General Occurrence Report and had minimal knowledge of what information or evidence had been available to the attending officers who laid the charge. She did not know who had called the police about the incident or where exactly on the floor it occurred.
5. The Tenant says they called the police because they had been attacked by the other resident and needed medical help. The Tenant says he was repairing an e-bike when his door was banged on and left the unit without realizing that he was still holding the crowbar he had been using. He says he was attacked by the other resident and was unable to get away because he was cornered and acted only in self-defence.
6. The Tenant's description of the layout of the building did not completely match the publicly available photos of the building. This was the biggest challenge to the credibility of the Tenant's testimony. However, I am satisfied that the layout as he describes in relation to the location of his unit, the stairwell that the other resident came from, and the area in front of the elevator where the altercation took place, is not inconsistent with the description provided by the Landlord's agent and can be reconciled with a description of one half of the floor.
7. I am satisfied on a balance of probabilities that the events on February 7, 2026 began with the other resident banging on the Tenant's unit door for unknown reasons and then instigating the physical confrontation. While the Tenant is not entirely blameless – he could have put down the crowbar before leaving his unit or ignored the banging – I am satisfied that his actions were in self defence and do not justify ending the tenancy.

It is ordered that:

1. The motion to set aside Order LTB-L-017007-26, issued on March 2, 2026, is granted.
2. Order LTB-L-017007-26, issued on March 2, 2026, is set aside and cannot be enforced.

May 28, 2026
Date Issued

Dawn Carr
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.