



Order under Section 69 Residential Tenancies Act, 2006

Citation: 116 Spencer District Inc. v AUBREY, 2026 ONLTB 35306

Date: 2026-05-29

File Number: LTB-L-008060-26

In the matter of: 103, 116 SPENCER AVE
TORONTO ON M6K2J6

Between: 116 Spencer District Inc. Landlord

And

GLENN AUBREY Tenant

116 Spencer District Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict GLENN AUBREY (the 'Tenant') because:

- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business, or occupation in the rental unit or the residential complex.
- 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.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on April 29, 2026. The Landlord's Agent, K. Bittman, the Landlord's Legal Representative, D. Ciobotaru, the Tenant's Legal Representative, S. Harvey, and the Tenant attended the hearing. The Landlord's witness, L. Walker (LW), was also present at the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On January 13, 2026, the Landlord gave the Tenant both a Notice to End your Tenancy for Illegal Acts or Misrepresenting Income in a Rent-Geared-to-Income Rental Unit (N6) and a

Notice to End your Tenancy for Causing Serious Problems in the Rental Unit or Residential Complex (N7), with termination dates of February 10, 2026.

4. The Landlord alleged in the notices:

'On or about January 2, 2026, at approximately 9:35 p.m., it was reported to the Landlord that you attended to another tenant's door on the fourth floor where you were involved in a physical and violent altercation. This altercation included you fighting down the stairwell, attacking, threatening, and stabbing the other tenant. It was reported that you were in possession of both a knife and pepper spray which were used to assault the other tenant. Emergency personnel were called on site where you were arrested and charged, and the other tenant was taken to hospital for medical treatment.'

5. Three videos were presented as evidence at the hearing:

- a. the Landlord's surveillance video of the fourth-floor hallway shows the Tenant walking along the hallway while recording with a phone held on his left hand. The Tenant's right hand stayed in his pocket as he made his way towards a stairwell door. LW's unit is located at the end of the hallway on the righthand side, just before the door leading to the stairwell.
 - b. the Tenant's video recording from his point of view shows him near the end of the hallway as LW opens his unit door. The stairs become visible as the Tenant is heard saying *'don't talk' 'go ahead, call the police'* as they exchanged unclear words before LW says *'you sprayed me.'* The camera becomes unsteady, as a struggle ensues in the stairwell.
 - c. the third video which captures surveillance footage of the stairwell, shows the Tenant and LW having a partially visible struggle on the top landing of the stairs. The two continue fighting as they descend the stairs holding onto each other. During the struggle, the Tenant hits the ground on his back while LW leaned over the Tenant. It was unclear what exactly LW was doing but the Tenant held on to the railings with both hands, seemingly to avoid being pulled. A few seconds later, LW had his left hand on the railing, still leaning over the Tenant. The Tenant could now be seen briefly holding a knife on his right hand as he grabbed on to the railing with the same hand. LW subsequently steps over the Tenant and goes up the stairs.
6. LW testified that the parties have a prior history which on December 22, 2025, resulted in a visit from the police who told them to stay away from each other. They also advised the Tenant to refrain from going on the fourth floor. However, on January 2, 2026, the Tenant attended the fourth floor to place hate literature on doors. LW stated that he asked the Tenant why he was on that floor and went back into his unit. When he observed that the Tenant remained there, he opened the door again to ask why.
7. LW further stated that the Tenant, whose back was to the stairwell door, stabbed him in the chest with a knife. LW then lunged at the Tenant and they both fell down the stairs. The Tenant took out a pepper spray, which LW knocked off. The Tenant then called LW a racial slur. LW subsequently contacted the police, who attended the residential complex and arrested the Tenant. LW was taken to the hospital where he received four staples in his chest because of the stabbing.

8. During cross-examination, LW stated that as he exited his unit, the Tenant walked past him and was to the right of him when he stabbed LW who was still standing in front of his unit.
9. The Landlord requested an order terminating the tenancy and submitted that even though the residents may not like each other, the Tenant should not have been on the fourth floor, and the altercation should not have led to a stabbing. LW was forced to defend himself and his injuries led to a hospital visit and four staples.
10. The Tenant, who denied stabbing LW, argued that he opened the stairwell door with the hand holding the phone and proceeded down the stairs as he told LW to call the police. There was no indication from the Tenant's video that LW had been stabbed. LW was likely injured during the altercation when he hit the Tenant while the Tenant was on the ground.
11. The Tenant has resided in the rental unit since January 1, 2015. The Tenant receives a disability pension, is unable to work and was recently diagnosed with autism.

Analysis

12. As seen in the police report presented by the Tenant, the key points of LW's statements to the police includes the following:

'On January 2, Glenn approached victim's door on the fourth floor despite restrictions. Victim confronted Glenn; Glenn grabbed victim, dragged into stairwell, and stabbed victim in chest. Struggle ensued; both fell downstairs. Glenn attempted to use pepper spray and uttered racial slur (hate crime indicated).'

13. Based on all the evidence, I am not satisfied that the Tenant attended at another tenant's door and caused a physical and violent altercation as alleged in the N7 notice of termination. On the contrary, the video evidence presented by both the Landlord and the Tenant shows the Tenant was on the fourth floor and had nearly passed LW's unit when LW opened the door. At this point, the Tenant appeared to have opened the stairwell door as the video shows the interior of the stairwell and continued movement while the Tenant tells LW to go ahead and call the police. The altercation follows immediately after and LW could be heard saying *'you sprayed me.'*
14. Although the Tenant, without a doubt had a knife in his possession during the altercation, it is not visible in any of the videos until he is lying on the stairs and holding onto the railings. It is difficult to accept that the Tenant, who a few moments prior had a phone in one hand recording and the other in his pocket, could have acted quickly enough to turn around, take out the knife, grab LW by the shoulder with one hand and stab him with the other. This version of events is inconsistent with the video evidence which, from the Tenant's perspective, appears to show him entering the stairwell when the interaction began. The Tenant did not attack LW in the manner alleged by the Landlord and reported to the police.
15. Given the evidence, I find it more likely that LW, possibly annoyed that the Tenant was back on the fourth floor, despite the warning from the police, exited his unit to confront the Tenant, and attacked him. On seeing LW exit his unit, the Tenant asked him to call the police, but LW ignored the Tenant's advice and charged at him, causing the tumble down the stairs. During the struggle, LW was injured by the knife, although it was unclear how the injury

occurred. In my view, LW disengaged from the Tenant as soon as he sustained the injury, as his conduct up to that point was inconsistent with that of a person who had been stabbed.

16. The evidence contradicts LW's statements to both the police and the Landlord that the Tenant attacked him. The Landlord relied on the statements in serving the N7 notice of termination. However, given my finding that it is more likely that LW initiated the altercation and attacked the Tenant, the N7 notice is defective.

It is ordered that:

1. The Landlord's application is dismissed.

May 29, 2026
Date Issued

Jitewa Edu
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.