



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

File Number: LTB-L-016453-26-SA

In the matter of: 107, 159 FORWARD AVE
OTTAWA ON K1Y4Y2

Between: Centretown Citizens Ottawa Corporation Landlord
legal

And

Roger Crosby Tenant

Centretown Citizens Ottawa Corporation legal (the 'Landlord') applied for an order to terminate the tenancy and evict Roger Crosby (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 October 7, 2025 with respect to application LTB-L-046713-25.

The Landlord's application was resolved by order LTB-L-016453-26, 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-016453-26.

This motion was heard by videoconference on May 27, 2026.

The motion was attended by the Landlord's agent Erica Joynt and representative Michael Thiele, the Tenant's representative Sarah Sproule and the Tenant.

At the hearing, the parties consented to the following order. I was satisfied that the parties understood the consequences of their joint submissions.

On consent it is ordered that:

1. The motion to set aside Order LTB-L-016453-26, issued on March 2, 2026, is granted.
2. Order LTB-L-016453-26, issued on March 2, 2026, is set aside and cannot be enforced.
3. The previous order issued on October 7, 2025 with respect to LTB-L-046713-25 is cancelled and replaced with the following terms:
4. (1) For the remainder of the tenancy, the Tenant will not substantially interfere with the reasonable enjoyment of other tenants or the landlord or with the landlord's rights,

privileges, or interests by smoking on the residential complex other than in the area designated for smoking by the Landlord, included but not limited to the following areas on the property:

- a) Anywhere indoors, including the Tenant's rental unit, other rental units, hallways, or common areas such as laundry, garbage, or office facilities;
- b) Out any window to the outdoors;
- c) On any patio or balcony;
- d) Next to the front or rear entrance to the building;
- e) On the front or rear walkways out of the building;
- f) In the bike storage or garden area;
- g) In any parking spot, including covered and uncovered areas; and
- h) On any part of the paved driveway that extends from the sidewalk to the parking area.

(2) For further clarity:

- i. the area designated for smoking by the Landlord includes the non-paved area in front of the electrical box, which faces west and is adjacent to the sidewalk;
 - ii. the Tenant may smoke on the sidewalk in front of the building on Forward Avenue, as it is property of the City of Ottawa and not the Landlord;
2. If the Tenant fails to comply with any of the conditions set out in **paragraph 4(1) and 4(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.

June 2, 2026
Date Issued

Julie Broderick
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.