



Order under Section 69 Residential Tenancies Act, 2006

Citation: 2439088 Ontario Inc. v Holmes, 2026 ONLTB 43304

Date: 2026-06-03

File Number: LTB-L-099395-25

In the matter of: 4, 80 BRODIE AVE
SUDBURY ON P3C3N1

Between: 2439088 Ontario Inc. Landlord

And

Skyla Holmes Tenants
Connor Leclair

2439088 Ontario Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Skyla Holmes and Connor Leclair (the 'Tenants') because the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

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

This application was heard by videoconference on March 24, 2026.

The Landlord's agent Gregory William Stitt and the Tenants attended the hearing. The Tenants met with Tenant Duty Counsel prior to the hearing.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the tenancy continues subject to conditions.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. On November 14, 2025, the Landlord gave the Tenants an N5 notice of termination. The notice of termination contains the following allegations:
 - a) October 24, 2025, the Landlord received an e-mail complaint concerning whining dogs and loud arguments in the unit;

- b) November 2, 2025, the Landlord received another complaint about loud yelling. Audio recordings were provided;
 - c) November 13, 2025, the Landlord received another complaint with respect to yelling. The Landlord could also hear the dogs whining and shouting coming from the unit.
- 4. The Landlord's agent testified that the tenancy commenced on October 1, 2025, and that within the first month of the tenancy he started receiving complaints about yelling.
 - 5. The Landlord testified that after the Tenants were served with the N5 notice of termination, they continued to yell loudly in their unit, and the Landlord would receive complaints regarding same.
 - 6. The Tenants testified that the Tenant Connor Leclair had been going through a hard time as his mother had been diagnosed with cancer and that the Tenants have been taking care of her two dogs since November. The Tenants acknowledged the issues as testified to and testified that Connor Leclair had been going to counselling and that there had not been a loud fight since February 20, 2026.
 - 7. The Tenants did not stop the conduct or activity within seven days after receiving the N5 notice of termination. Therefore, the Tenant did not void the N5 notice of termination in accordance with s.64(3) of the *Residential Tenancies Act, 2006* (Act).

Daily Compensation

- 8. The Tenants were required to pay the Landlord \$6,354.60 in daily compensation for use and occupation of the rental unit for the period from December 13, 2025, to March 24, 2026. The Landlord testified that the Tenants had been up to date on their rent as of the date of the hearing.
- 9. Based on the monthly rent, the daily compensation is \$62.30. This amount is calculated as follows: \$1,895.00 x 12, divided by 365 days.
- 10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
- 11. The Landlord collected a rent deposit of \$1,895.00 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$19.08 is owing to the Tenants for the period from October 1, 2025, to March 24, 2026.
- 12. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants are required to pay.

Section 83 Considerations

- 13. The Landlord and the Tenants agreed to a conditional order although the Landlord's concern was the intensity of the arguments between the Tenants and that he would file an L4 application if need be.

14. That said, for a period of one year, the Tenants will be ordered to refrain from any loud yelling or swearing and to ensure that any animals in the unit are also not disturbing other tenants.
15. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (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.

It is ordered that:

1. The tenancy between the Landlord and the Tenants continues if the Tenants meet the conditions set out below.
2. For a period of one year from the date of this order (June 3, 2027), the Tenants shall refrain from yelling or screaming in their unit, having loud arguments, or disturbing other tenants. The Tenants shall also ensure that any and all animals in their unit refrain from making noise in such a manner as to disturb other tenants in the residential complex.
3. If the Tenants fail 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 Tenants. 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 Tenants shall pay to the Landlord \$186.00 for the cost of filing the application.
5. The total amount the Tenants must pay the Landlord is \$186.00.
6. If the Tenants do not pay the Landlord the full amount owing on or before June 30, 2026, the Tenants will start to owe interest. This will be simple interest calculated from July 1, 2026, at 4.00% annually on the balance outstanding.

June 3, 2026
Date Issued

Jagger Benham
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.