



**Order under Section 78(6)
Residential Tenancies Act, 2006**

File Number: LTB-L-033992-26

In the matter of: 621C THE QUEENSWAY
ETOBICOKE ON M8Y1K4

Between: Lopes Brother Contracting LTD. Landlord

And

Garcia Comeau Tenant
David Dublow

Lopes Brother Contracting LTD. (the 'Landlord') applied for an order to terminate the tenancy and evict Garcia Comeau and David Dublow (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the LTB on August 12, 2025 with respect to application LTB-L-067673-23.

A hearing was held by videoconference on June 4, 2026 to consider this application. The Landlord represented by Jimmy Gangadin, and the Tenants represented by Samuel Mason, attended the hearing.

Determinations:

1. The Landlord alleges that Garcia Comeau breached the conditions of order LTB-L-067673-23 by taking photos of the neighbouring coffee shop.
2. The Landlord's witnesses testified that they witnessed the Tenant outside the front of the coffee shop with her cell phone pointed at the front of the commercial area of the residential complex.
3. The Tenant testified that she was returning from shopping and did take a picture of the residential complex adjoining her residential complex because of an N12 notice the Landlord had served on them for personal use. The Landlord's bother owns the adjoining complex, and Ms. Comeau saw a sign in a window that shows there were other options for the Landlord.
4. The Tenants introduced a copy of the photograph of the outside of the adjoining residential/commercial complex which she believed showed options for the Landlord due to the in the window.

5. The Landlord had no evidence apart from the testimony of the witnesses that they believe Ms. Comeau was taking a photo of the outside of the commercial establishment.
6. Having considered the evidence before me, even if I were to accept that the Tenant may have taken a photograph of the outside of the commercial establishment, I am not satisfied that this substantially interfered with reasonable enjoyment, or the lawful right, privilege or interest of the Landlord. In addition, section 64 also requires that the interference with reasonable enjoyment be that of another tenant. In this case, the tenant is a commercial tenant and not a residential tenant of the Landlord.
7. In addition, both Tenants are 70 years of age and have resided in the rental unit for 14 years.
8. 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 pursuant to subsection 78 of the Act.

It is ordered that:

1. The Landlord's application is dismissed.

June 8, 2026

Date Issued

Greg Joy

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.

