



**Order under Section 69 / 89
Residential Tenancies Act, 2006**

File Number: LTB-L-012493-26

In the matter of: 1508, 15 GALE CRES
ST CATHARINES ON L2R7G3

Between: Niagara Regional Housing Landlord

And

Brian Upham Tenant

Niagara Regional Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Brian Upham (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant 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 Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises.

This application was to be heard by videoconference on May 26, 2026. The Landlord's representative, Judith Callender, the Landlord's agent, Rachel Dagenais, and the Tenant, Brian Upham attended the hearing. The Tenant did speak with Tenant Duty Counsel before the start of mediation.

The parties elected to participate in Board facilitated mediation with the assistance of Dispute Resolution Officer (DRO) John Russett. The parties agreed to resolve the issues in the Landlord's application and requested the LTB to issue a Consent Order confirming their agreement.

I was satisfied that the parties understood the consequences of the Consent.

The parties agree that:

1. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Landlord has incurred or will incur reasonable costs of \$728.95 to repair the damage and replace property that was damaged and cannot be repaired.
3. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

4. There will be no more than two people in the rental unit at any time.

It is ordered on consent that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. For the duration of the tenancy starting on May 26, 2026, the Tenant shall:
 - a. The tenants or guests or occupants do not cause further disturbance such as yelling, screaming and fighting in the residential unit or complex;
 - b. The tenants or guests or occupants do not interfere with other tenants and not remove or tamper with other Tenants property or packages; and
 - c. The tenants or guests or occupants do not damage the elevators.
3. If the Tenant fails 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 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.
4. The Tenant shall pay to the Landlord \$914.95 which represents the reasonable costs of repairing the damage or replacing the damaged property of \$728.95 and includes the filing fee or \$186.00
5. The Tenant shall pay to the Landlord the amount owing in paragraph 4 as follows:
 - a. \$50.00 on or before the first (1) day of each month starting July 1, 2026, for a period of Seventeen (17) consecutive months until November 1, 2028; and
 - b. The balance outstanding of \$64.95 on or before December 1, 2028.
4. If the Tenant fails to make any of the payments indicated in paragraph 3 of this order in full and on time, the outstanding balance to be paid by the Landlord to the Tenant pursuant to paragraph 4 of this order, together with simple interest, calculated from the day after default, at 4.00% annually on the balance outstanding, shall become immediately due and payable.

June 9, 2026
Date Issued

John Russett
Hearings Officer, 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.