



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-081758-24

In the matter of: 2102, 215 QUEEN ST W
TORONTO ON M5V0P5

Between: Jiahn Li Tenant

And

Abed Pathan Landlord
Firstservice Residential

Jiahn Li (the 'Tenant') applied for an order determining that Abed Pathan and Firstservice Residential (the 'Landlord'):

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.

This application was heard by videoconference on December 9, 2025.

Only the Tenant attended the hearing.

As of 11:00am, the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. The Tenant claimed that the Landlord substantially interfered with the Tenant's reasonable enjoyment of the rental unit or residential complex, contrary to section 22 of the *Residential Tenancies Act, 2006* (the 'Act').
3. The Tenant moved into the rental unit on March 1, 2022. The Tenant no longer lives in the rental unit and testified that he stopped residing there on or about August 27, 2024.
4. The Tenant testified that the rental unit was in a condominium building and that the alleged noise came from the occupants of a neighbouring unit. The Tenant testified that the neighbouring occupants were college students and that their gatherings interfered with his

ability to enjoy the rental unit. The Tenant further states that on July 20, 2024, the occupants of the neighbouring unit hosted a party with approximately 15 people. The Tenant testified that there was loud music and shouting and that he, other occupants, and the concierge attempted to address the issue and that he then complained to property management.

5. I accept the Tenant's evidence that the July 20, 2024, gathering disturbed him. However, the Tenant's evidence was also that property management acted right away after the complaint and advised the occupants of the neighbouring unit that their behaviour was unacceptable.
6. The Tenant states that on August 21, 2024, there was a smaller gathering that was loud and that property management sent a letter to the owner of the neighbouring unit on August 22, 2024.
7. The Tenant also testified that there was another party on August 24, 2024, or August 25, 2024. However, the Tenant testified that he did not report this incident to the Landlord because he had lost faith in the Landlord and property management by that time.
8. In *Hassan v. Niagara Housing Authority*, [2002] O.J. No. 5650, the Divisional Court confirmed that a landlord has a positive duty to take reasonable steps to respond to one tenant's complaints where another tenant's conduct may interfere with reasonable enjoyment. The issue is not whether the neighbouring occupants' conduct is directly attributed to the Landlord. The issue is whether the Landlord took reasonable steps to address the Tenant's complaints.
9. I find that the Tenant did not prove that the Landlord failed to take reasonable steps. The Tenant's own evidence was that property management responded promptly to the July 20, 2024, complaint and communicated with the occupants of the neighbouring unit. The Tenant's own evidence was also that property management sent a letter to the owner of the neighbouring unit after the August 21, 2024, complaint.
10. The Tenant was clearly frustrated that the situation was not resolved to his satisfaction. However, the Act does not require a landlord to guarantee that a tenant will never be disturbed by another resident. The Landlord must take reasonable steps in response to complaints. I find that the Tenant's evidence showed that property management did take steps after the complaints were made.
11. I also find that the Landlord was not given a reasonable opportunity to respond to the August 24, 2024 or August 25, 2024 incident before the Tenant decided to stop residing in the rental unit, because the Tenant did not report that incident to the Landlord at the time.
12. I am not satisfied that the Tenant proved, on a balance of probabilities, that the Landlord substantially interfered with his reasonable enjoyment of the rental unit or residential complex.

It is ordered that:

1. The application is dismissed.

June 12, 2026
Date Issued

Colin Elsby
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.