



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

File Number: LTB-L-028763-26-SA

In the matter of: 1610, 3620 KANEFF CRES
MISSISSAUGA ON L5A3X1

Between: bcIMC Realty Corporation c/o Quadreal Landlord
Residential Properties G.P. Inc

And

Katherina Dudziacha Tenants
Piotr Teper

bcIMC Realty Corporation c/o Quadreal Residential Properties G.P. Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Katherina Dudziacha and Piotr Teper (the 'Tenants') because the Tenant did not meet a condition specified in the order issued by the LTB on March 6, 2026, with respect to application LTB-L-105920-25.

The Landlord's application was resolved by order LTB-L-028763-26, issued on April 13, 2026. This order was issued without a hearing being held. The Tenant filed a motion to set aside order LTB-L-028763-26.

This motion was heard by videoconference on June 3, 2026. The Landlord's Agent, E. Valenzuela, the Landlord's Legal Representative, M. Zarnett, and the Tenants attended the hearing.

Determinations:

1. The Tenants failed to meet a condition specified in the order issued by the LTB on March 6, 2026, with respect to application LTB-L-105920-25.
2. The Tenants failed to adequately prepare the unit for a scheduled pest control treatment on March 19, 2026.
3. As a result, the pest control company hired by the Landlord were unable to complete the full regimen of treatment planned. The Landlord stated that the same thing occurred on April 2, 2026. The full treatment was eventually carried out on May 21, 2026, as the Tenant had properly prepared the unit by that date. However, the Landlord observed that the Tenant was starting to accumulate items in the balcony. The Tenants' tendency to hoard items was one of the reasons for the Landlord's original application.

4. The Tenants stated that they had the unit thoroughly cleaned in accordance with the order. However, due to the female Tenant mental health challenges which includes depression as she overcomes her hoarding tendencies, she found it difficult to comply with the Landlord's request to prepare the unit for entry on March 19, 2026. For the entry on May 21, 2026, the Tenant claimed that she placed the items in the balcony with hopes of taking them back after the treatment of the unit was concluded.
5. The Landlord at the Tenant's request on May 11, 2026, accommodated the Tenant by postponing an entry scheduled for May 12, 2026, when she claimed that she was unwell. The Landlord, aware of the Tenant's disabilities, stated that for over three years they have worked cooperatively with the Tenant.
6. The tenancy commenced in 2019, and currently, only the female Tenant and a now adult daughter reside in the unit.
7. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-028763-26. There is no dispute that the Tenants breached order LTB-L-105920-25 by failing to prepare the units properly for the pest control treatments which they were notified about and given instruction sheets for. Although the Tenants eventually prepared the unit adequately, the Landlord is concerned about a new accumulation of items on the balcony.
8. Under the Human Rights Code, a Landlord is required to accommodate a Tenant with a disability to a point of undue hardship. Irrespective of whether the Landlord had detailed information regarding the Tenant's disability, the knowledge of the existence of a disability is enough to trigger the duty to accommodate.
9. The Landlord took the right steps in postponing the inspection scheduled for May 12, 2026, when the Tenant stated that she was unwell. Going forward, the Landlord, with the Tenant's input, can create a plan on how best to manage the impact of the Tenant's disability on the tenancy, rather than immediately filing an application to evict the Tenant.
10. This order by no means relieves the Tenants of their responsibility to maintain the unit in an ordinary state of cleanliness, and to fully comply with order LTB-L-105920-25.

It is ordered that:

1. The motion to set aside Order LTB-L-028763-26, issued on April 13, 2026, is granted. The order cannot be enforced by the Landlord.
2. The previous order issued on March 6, 2026, with respect to LTB-L-105920-25 remains in effect.

June 16, 2026
Date Issued

Jitewa Edu
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.