



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

File Number: LTB-L-003435-26-SA

In the matter of: 215, 27 PAXTONIA BLVD
NORTH YORK ON M3K1V9

Between: Akelius Canada Ltd. Landlord

And

Salman Cocelli Tenants
Noreen Cocelli

Akelius Canada Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Salman Cocelli and Noreen Cocelli (the 'Tenants') because the Tenants did not meet a condition specified in the order issued by the LTB on December 17, 2025 with respect to application LTB-L-076136-25.

The Landlord's application was resolved by order LTB-L-003435-26, issued on January 19, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-003435-26.

This motion was heard by videoconference on April 2, 2026 and June 24, 2026.

The Landlord's Agents Franklin Saplamaeff and Shameeza Mohamed, the Landlord's Legal Representative Eric Steiman, the Tenants and the Tenants' Legal Representative Kyle Warwick attended the hearing. The Tenants were assisted by a Turkish Interpreter.

At the hearing, the parties before the Board consented to the following order. I was satisfied the parties understood the consequences of the joint position.

On consent of the parties, it is ordered that:

1. The motion to set aside order LTB-L-003435-26, issued on January 19, 2026, is granted.
2. Order LTB-L-003435-26, issued on January 19, 2026, is set aside and cannot be enforced.
3. The Landlord's application under section 78 of the Act is dismissed.
4. The previous order issued on December 17, 2025 with respect to LTB-L-076136-25 is cancelled and replaced with the following order:

5. For the duration of the tenancy, the Tenants and any of the Occupants of the rental unit shall not smoke or vape inside the rental unit or within the residential complex.
6. For the duration of the tenancy, the Tenants shall ensure, to the best of their ability, that their guests do not smoke or vape inside the rental unit or within the residential complex.
7. It is understood by the parties that the terms “smoke” and “vape” include tobacco, cannabis, vape liquid or any other substance that is burned or vaporized for the purpose of inhalation, subject to a documented medical necessity from a medical doctor or nurse practitioner licensed to practice in Canada.
8. If the Tenants fail to comply with the conditions set out in paragraphs 5 or 6 of this order, the Landlord may, without notice to the Tenants, apply to the Board pursuant to section 78 of the Act, within 30 days of the breach, for an order terminating the tenancy and evicting the Tenants.

June 30, 2026
Date Issued

John Cashmore
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.