



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-015753-26

In the matter of: 6, 51 Father Costello
Schumacher ON P0N1G0

Between: Brightside Property Management Landlord

And

Paul Leforte Tenant

Brightside Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Paul Leforte (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

This application was heard by videoconference on June 15, 2026.

Only the Landlord's Agent Dominique Talbot attended the hearing.

As of 9:51 AM, the Tenant 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 Landlord's evidence.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On September 4, 2025, the Landlord gave the Tenant a first, voidable N5 notice of termination ('first N5 Notice'), alleging that the Tenant smoked in the rental unit while keeping the door open. Therefore, the Landlord was allowed to give the Tenant a second, non-voidable N5 notice of termination under section 68 of the *Residential Tenancies Act, 2006* (Act).
4. On February 16, 2026, the Landlord gave the Tenant a second N5 notice of termination ('second N5 Notice'), alleging that the Tenant smoked in the rental unit while keeping the door open on February 6 and 7, 2026.

5. Based on the uncontested evidence of the Landlord, I make the following findings of fact. On February 6, 2026, the Landlord's Agent received a complaint from other tenants in the residential complex that the Tenant was smoking in the rental unit while keeping the door open. The Agent attended and observed the smoke. They knocked on the door and asked the Tenant to stop the behaviour. The Tenant stopped smoking that day but resumed on February 7, 2026. Other tenants have been moving out of the residential complex due to the Tenant's continued smoking.
6. I am satisfied, on a balance of probabilities, that the Tenant has substantially interfered with other tenants' reasonable enjoyment of the residential complex. The application is granted.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$750.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$79.45 is owing to the Tenant for the period from July 22, 2020, to June 15, 2026.
9. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenant continued smoking while keeping the unit door open even after the application was filed. The Tenant did not attend the hearing to advise the Board of his circumstances. The Landlord's Agent was not aware of any reasons to delay or deny eviction.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before July 11, 2026.
2. If the unit is not vacated on or before July 11, 2026, then starting July 12, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after July 12, 2026.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the filing fee on or before July 11, 2026, the Tenant will start to owe interest. This will be simple interest calculated from July 12, 2026, at 4.00% annually on the balance outstanding.

June 30, 2026
Date Issued

Kate Sinipostolova
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on January 12, 2027, if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.