



Order under Section 69 Residential Tenancies Act, 2006

Citation: Kristanas v Bates, 2026 ONLTB 51078

Date: 2026-06-30

File Number: LTB-L-005213-26

In the matter of: Basement, 155 Central Park Blvd. North
Oshawa ON L1G5Y6

Between: Alexander Edward Kristanas Landlord

And

William Thomas Bates Tenant

Alexander Edward Kristanas (the 'Landlord') applied for an order to terminate the tenancy and evict William Thomas Bates (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 May 27, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy is terminated on July 31, 2026.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On January 20, 2026, the Landlord gave the Tenant an N5 notice of termination ('N5 Notice'), alleging that the Tenant excessively uses scented candles, vaping, aerosols, air fresheners, and disinfectant sprays which then travel through the shared ventilation and affect the air in the Landlord's unit.
4. It was undisputed that the Tenant lives in the basement of the house and the Landlord lives on the main floor. The parties share the central ventilation system. It was undisputed that on January 9, 2026, around 8:15 PM, the Tenant used scented candles which filled the house with a smell that lasted for several hours. The Tenant continued to burn candles in the rental unit on a daily basis during the seven-day voiding period after the N5 Notice

was served, and after the application was filed. The Tenant did not void the N5 notice of termination in accordance with s.64(3) of the *Residential Tenancies Act, 2006* (Act).

5. The Landlord testified that the strong smells coming from the rental unit have negatively affected his health. The Landlord has experienced asthma attacks, has trouble sleeping, and has started to take medication for migraines which have all started because of the heavy smells. The Landlord started using air filters, which do not fully resolve the issue.
6. The Tenant testified that he likes to use scented candles and submitted that the Landlord was overreaching by attempting to police his living habits in the rental unit. The Tenant indicated that he could stop using the scents and wants to stay in the neighbourhood to be close to his family who live nearby.
7. I am satisfied, on a balance of probabilities, that the Tenant has substantially interfered with the Landlord by using excessive scents in the rental unit. Given the Tenant's frequent and ongoing use of the scented candles even in the face of an eviction proceeding, it is clear that this is important to the Tenant. As such, I am not satisfied that the Tenant will comply with a conditional order requiring him to stop the behaviour. Given the substantial negative effects on the Landlord, I find it to be prejudicial to continue this tenancy.
8. 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 not be unfair to postpone the eviction until July 31, 2026, pursuant to subsection 83(1)(b) of the Act.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$1,200.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$135.81 is owing to the Tenant for the period from February 27, 2021, to May 27, 2026.

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 31, 2026.
2. If the unit is not vacated on or before July 31, 2026, then starting August 1, 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 August 1, 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 application filing fee on or before July 31, 2026, the Tenant will start to owe interest. This will be simple interest calculated from August 1, 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 February 1, 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.