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

File Number: LTB-L-038412-26-SA

In the matter of: 3204, 40 PLEASANT BLVD
TORONTO ON M4T1J9

Between: Yonge Pleasant Holdings Ltd. — Landlord

And

Aisan Ahmadi — Tenant

Yonge Pleasant Holdings Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Aisan Ahmadi (the 'Tenant') because the Tenant did not meet a condition specified in the order issued by the LTB on October 17, 2025 with respect to application LTB-L-028009-23.

The Landlord's application was resolved by order LTB-L-038412-26, issued on May 8, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-038412-26.

This motion was heard by videoconference on June 25, 2026. The Landlord's representative David Ciobotaru, and the Tenant, who met with Duty Counsel, attended the hearing. Also in attendance as witnesses for the Landlord were the Landlord's property administrator Alexandra Pirone, and the Tenant's downstairs neighbour Jozsef Vida.

Determinations:

1. At a hearing on October 9, 2025, the Tenant consented to an order where if her dog has an accident, defecates, or urinates, the Tenant must deposit any feces and water down any urine spots forthwith,
2. The Tenant's downstairs neighbour, Mr. Vida, alleges that the Tenant allows her dog to urinate on the balcony which is coming over the edge of her balcony and flowing down onto is railing and balcony.
3. There are several videos and photographs of what Mr. Vida claims are the result of the Tenant's dog urinating on the balcony above.
4. Mr. Vida testified that there is a strong smell of urine as a result of the incidents.

5. Ms. Pirone testified that she went to Mr. Vida's unit to investigate the complaint and did not smell urine but did see wet spots.
6. The Tenant denies allowing her dog to urinate on the balcony and contends that any liquid coming down from above is likely from the roof. The Tenant testified and showed an image of her balcony railing that also has yellowish coloured marks.
7. The Landlord did not go to the Tenant's unit to investigate if there were signs of urine that had no been watered down as required by the consent order.
8. Considering the fact that there is contradictory testimony about the smell of urine and the fact that the Landlord did not investigate the Tenant's balcony to determine if the Tenant may be in breach of the conditions set out in the order, I am not satisfied that the Landlord has established, on a balance of probabilities, that the Tenant has breached the conditions set out in order LTB-L-028009-23.
9. After considering all of the circumstances, I find that it would not be unfair to set aside order LTB-L-038412-26.

It is ordered that:

1. The motion to set aside Order LTB-L-038412-26, issued on May 8, 2026, is granted.
2. Order LTB-L-038412-26, issued on May 8, 2026, is set aside and cannot be enforced.

July 6, 2026

Date Issued

_____
Greg Joy
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.