



## Order under Section 77(8) Residential Tenancies Act, 2006

**Citation:** Blonski v Szpin, 2023 ONLTB 74567

**Date:** 2023-11-16 **File Number:**  
LTB-L-064518-23-SA

**In the matter of:** Unit 35, 65 CLOVERHILL RD ETOBICOKE  
ON M8Y1T5

**Between:** Alfreda Blonski Landlord

**And**

Bohdan Michael Szpin Tenant

Alfreda Blonski (the 'Landlord') applied for an order to terminate the tenancy and evict Bohdan Michael Szpin (the 'Tenant') because they failed to meet a condition specified in Order LTB-L-032772-22 issued on June 12, 2023.

The Landlord's application was resolved by order LTB-L-064518-23-EX, issued on September 8, 2023. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-064518-23-EX on September 20, 2023.

The motion was heard by videoconference on November 2, 2023 at 1:00 pm.

The Landlord Representative Kelly Hawkes and the Tenant attended the hearing.

### **Determinations:**

1. I find the Tenant breached conditions contained in Order LTB-L-032772-22. After considering all of the circumstances, I find that it would be unfair to set aside order LTB-L-064518-23-EX.
2. LTB-L-064518-23-EX finds that the Tenant breached the following conditions contained in LTB-L-032772-22:
  - On July 20, 2023, the Tenant behaved in an aggressive and threatening manner towards the Landlord's agent and other residents within the residential complex.

The Tenant also refused the Landlord's agent entry to the rental unit with a fire inspection technician ('technician') to perform fire alarm testing; and

- On July 20, 2023, the Tenant was on the 3rd floor at the residential complex filming a young girl in the hallway, filming the Landlord's agent and the technician attending other rental units to test fire alarms. The Tenant was also filming the rental unit doors of other tenants on the 3rd floor. The Tenant refused the Landlord's agent entry into the rental unit, despite a Notice of Entry being served on the Tenant on July 18, 2023 at around 3:00 pm. The Tenant also behaved in an insulting manner towards the Landlord's agent and another tenant by calling them names.
3. It was the Tenant's testimony that the allegations that he breached the conditions were false and that he had video evidence, submitted to the Board, that directly contradicted the Landlords allegations.
  4. In response the Landlord Representative testified that she had not received any evidence from the Tenant and that she had witness to the events alleged that could offer direct testimony.
  5. Canvassing the Tenant, he testified that he had not provided evidence to the Landlord or their representation, instead he had dropped the evidence directly off at the LTB offices at 15 Grosvenor, street, Toronto, ON and that he was calling from a payphone outside the LTB offices at 25 15 Grosvenor, street, Toronto, ON.
  6. Based on the above testimony and having reviewed the file I was satisfied that no such evidence had been received by the Board or uploaded to the portal and directed the Landlord Representative to present her witnesses.

#### Landlord evidence and testimony

7. The Landlord Witness Elizabeth Lapointe testified that she was in fact the Landlord, Alfreda Blonski's, daughter and was employed as her Agent, responsible for the management of the rental complex, a multi-unit apartment building. It was her testimony, supported by video evidence entered, that on July, 20, 2023 the Tenant actively engaged in aggressive and disruptive behavior towards her as she was escorting a technician as they conducted fire alarm testing. Specifically, as seen on the video, the Tenant refused her entry, insinuated that she was covered in bedbugs and other pests and that she was a pest.
8. She also testified that following the inspection of the Tenant's unit, again supported by video evidence entered, the Tenant followed her and was seen video taping young girls, following her as she escorted them into their unit away from him. She further testified that since receipt of Order LTB-L-032772-22 issued on June 12, 2023, the Tenant continued to actively play his music loud, yell at other neighbours and children in the street and behave

in an aggressive manner resulting in several complaints from other tenants and in some cases other tenants moving out.

9. In response it was the Tenant's testimony to deny the allegations, stating he was not filming the young girls but instead the Landlord's agent to demonstrate the manner she knocked on other tenants, doors vice banging on his. Again, he reiterated that he had submitted his own video evidence that contradicted that of the Landlord. He also testified he had no intent of leaving the rental unit.

### Final submissions

10. It was the Landlord Representative's final submission that the Tenant offered no evidence other than oral testimony to deny the allegations that he breached the conditions of LTB-L-032772-22. She reiterated that the Landlord and other tenants have continued to be prejudiced by the Tenant's behavior and that the motion to set aside LTB-L-064518-23-EX should be denied and the stay lifted immediately.
11. Canvassing the Tenant, his only response was again to deny any wrongdoing and when asked if he required additional time if I was to deny his motion, again he reiterated he had no intent of leaving.
12. I am satisfied that the Tenant breached conditions contained in Board Order LTB-L-032772-22. The video evidence submitted by the Landlord clearly shows the Tenant acting aggressively and behaving in a manner to prevent the Landlord Agent from carrying out her duties including entering the rental unit to conduct a fire inspection.
13. In accordance with section 78(11)(b) of the Act, I must also have regard to all the circumstances and determine whether it would be unfair to set aside LTB-L-063767-23-EX
14. I did not find the Tenant to be credible. For one, having been before the Board before he would have known that he would have had to provide disclosure to the Landlord and or her representation. Second, he would have known that he could not simply drop a USB drive off at LTB offices and consider evidence as submitted. Accordingly, given these facts coupled with the Landlord's video evidence, as noted above, I am more than satisfied on the balance of probabilities that it would be unfair to set aside LTB-L-063767-23-EX.
15. In regards to granting a delay in lifting the stay in accordance with section 78(11)(c) of the Act, as noted above, when asked the Tenant refused to give a meaningful response, as such I see no reason to deny the Landlord Representatives request.

### **It is ordered that:**

1. The motion to set aside Order LTB-L-064518-23-EX, issued on June 12, 2023, is denied.

2. The stay of Order LTB-L-064518-23-EX, is lifted.
3. Order LTB-L-064518-23-EX is unchanged.

**November 16, 2023**

**Date Issued**

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Kelly Delaney

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.