



**Order under Section 31  
Residential Tenancies Act, 2006**

Citation: Desoky v Bai, 2023 ONLTB 74121

Date: 2023-11-10

File Number: LTB-  
T-002279-21

In the matter of: A, 236 INVERHURON CRES  
WATERLOO ON N2V2H8

Tenant

Between: Ahmed Desoky  
Hend Shalan

And

Yu jie Bai

Landlord

Ahmed Desoky and Hend Shalan (the 'Tenant') applied for an order determining that Yu jie Bai (the 'Landlord'):

- Substantially interfered with the Tenant's reasonable enjoyment of the rental unit or complex or with the reasonable enjoyment of a member of my household.

This application was heard by videoconference on August 22, 2023.

The Landlord and the Tenants attended the hearing.

**Determinations:**

1. The Tenants moved into the unit on August 1, 2018. They live in the unit with their 3 children. This T2 application alleges substantial interference by the Landlord and was filed on December 22, 2021.
2. The allegations in the application centre around events relating to the Landlord's conduct during entry by the Landlord in December 2021.
3. The Tenants testified that the Landlord attended the unit on December 17, 2021 after serving a lawful notice of entry. While the Landlord was there, she pointed out some deficiencies. The

Tenants testified that the Landlord made comments about their children, saying “ I know your culture, teach your kids how to be clean” The Tenants submitted an email chain into evidence where the Tenants repeat to the Landlord what they allegedly heard her say during her visit.

4. The Tenants testified that the Landlord attended the unit again on December 21, 2021. They testified that the Landlord falsely accused them of causing damages to the unit and renting out the basement, which they deny. They received an email from the Landlord after that visit which was entered into evidence.
5. The Tenants testified that their children felt upset and afraid and that they felt under pressure from the Landlord.
6. The Landlord testified that she did make a comment about the Tenant’s children and the Tenant’s culture. She testified that she offered to teach them how to clean.

#### Analysis

7. This application is brought pursuant to section 22 of the Residential Tenancies Act, 2006, which states:

Landlord not to interfere with reasonable enjoyment

22 A landlord shall not at any time during a tenant’s occupancy of a rental unit and before the day on which an order evicting the tenant is executed substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household

8. Based on the evidence and testimony of the parties, I find on a balance of probabilities that the comments made by the Landlord in regard to the Tenant’s culture and the Tenant’s children substantially interfered with the Tenant’s reasonable enjoyment of the unit.
9. It is inappropriate for the Landlord to make any comments regarding the Tenant’s children’s cleanliness or ability to clean or about the culture of the Tenants.
10. In regard to the other issues the Tenant’s testified to during the visits with respect to damage and renting out the basement, I do not find that that amounts to substantial interference.

#### Remedies

11. The Tenants did not request any monetary remedies in relation to the substantial interference by the Landlord. The Tenant’s requested that the Landlord stop the behaviour that led to the filing of this application, and so it shall be ordered.

It is ordered that:

1. The Landlord must refrain from making any comments about the Tenant’s culture and about the Tenant’s children’s cleanliness or ability to clean.

2. The Landlord shall pay to the Tenants \$48.00 for the cost of filing the application.
3. The Landlord shall pay the Tenant the full amount owing by November 21, 2023.
4. If the Landlord does not pay the Tenant the full amount owing by November 21, 2023, the Landlord will owe interest. This will be simple interest calculated from November 22, 2023 at 7.00% annually on the balance outstanding.

November 10, 2023

Date Issued



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Emily Robb  
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.