



## Order under Section 30 of the Residential Tenancies Act, 2006

**Citation:** Ryan v Chong, 2023 ONLTB 36022

**Date:** 2023-05-02

**File Number:** LTB-T-016395-23

2023 ONLTB 36022 (CanLII)

**In the matter of:** 197 ELLSWORTH AVE  
TORONTO ON M6G2K7

**Between:** Peter A. Ryan Tenant

**And**

Corporate Philosopher Inc. Landlords  
Samy Chong

Peter A. Ryan (the 'Tenant') applied for an order determining that Corporate Philosopher Inc. and Samy Chong (the 'Landlords'):

- entered the rental unit illegally;
- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys; and
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of the Tenant's household.

This application was heard in by videoconference on May 1, 2023. Only the Tenant and the Tenant's Legal Representative, C. karas, attended the hearing.

### **Determinations:**

1. The rental unit is in a home containing units rented by other residents. The tenancy commenced in January 2021 as shown in the tenancy agreement provided by the Tenant.
2. The Tenant testified that on February 15, 2023, he returned to the residential complex to find the code giving entry to the rental home was changed. The night prior, the Landlord had informed the Tenant that he intends to move into the unit and threatened to change the locks.
3. The Tenant is currently in a shelter where he has resided since he was locked out on February 15, 2023. The Tenant has removed most of his belongings from the unit following the Landlord's threats to donate them

4. The Tenant requested that the tenancy be reinstated and withdrew the request for rent abatement.
5. Section 24 of the Residential Tenancies Act, 2006 ('the Act') provides: **Changing locks**

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**Tribunals Ontario**  
Landlord and Tenant Board

**Tribunaux décisionnels Ontario**  
Commission de la location immobilière

*24 A landlord shall not alter the locking system on a door giving entry to a rental unit or residential complex or cause the locking system to be altered during the tenant's occupancy of the rental unit without giving the tenant replacement keys.*

6. In addition section 37 (1) of the Act states:

***Termination only in accordance with Act***

*37 (1) A tenancy may be terminated only in accordance with this Act.*

7. A Landlord cannot unilaterally terminate a tenancy or force a Tenant to vacate a rental unit. The Act contains a process that a Landlord must follow to lawfully terminate a tenancy and evict Tenants. If a notice of termination is given in accordance with the Act and the Tenant vacates the rental unit in accordance with the notice, the tenancy is terminated on the termination date set out in the notice. Otherwise, without a valid notice of termination and a hearing at the Board if the Tenant does not vacate the unit, any purported termination is illegal.
8. Based on the uncontested evidence of the Tenant, the tenancy will be reinstated and the Landlords shall allow the Tenant to recover possession of the unit.

**It is ordered that:**

1. The Landlords shall immediately provide the Tenant with possession of the rental unit or an alternative accommodation on or before May 3, 2023.
2. If the Landlords fail to provide the Tenant with possession of the rental unit on or before May 3, 2023, the Tenant may file this Order with the Court Enforcement Office (Sheriff) so that the reinstatement of the tenancy 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 Tenant, on or after May 4, 2023.

**May 2, 2023**

**Date Issued**

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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.

The Part of this order allowing the Tenant to recover possession of the unit expires and cannot be enforced if:

- a. The Tenant does not file this order on or before May 17, 2023, with the Court Enforcement Office (Sheriff) which has territorial jurisdiction where the rental unit is located, or
- b. The Tenant files this order with the Court Enforcement Office but the order has not been enforced on or before June 16, 2023.

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