

Order under Section 69  
**Residential Tenancies Act, 2006**

**File Number:** EAL-13845

A. W. (the 'Landlord') applied for an order to terminate the tenancy and evict J.L. and R.L. (the 'Tenants') because they, another occupant of the rental unit or someone they permitted in the residential complex have substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord in a residential complex that has three or fewer residential units.

This application was heard in Cornwall on January 8, 2009. The Landlord and the Tenants attended the hearing.

The rental unit in question is the second floor of the Landlord's home. The Landlord claims that the Tenants are making excessive noise which disturbs his reasonable enjoyment. The Tenants claim that they do not make excessive noise. The Landlord called his son to testify about the noise. The Landlord's son testified that he has heard the Tenants walking and moving chairs in their kitchen. The Landlord supplied no other evidence to support his claim about noise.

The Landlord also claims that the Tenants' smoking bothers him. There was no copy of the lease to show that the parties had agreed to a no smoking provision and the Tenants testified that there was no verbal agreement.

**Determinations:**

1. The Landlord did not support his claim that the Tenants have substantially interfered with his reasonable enjoyment.

**It is ordered that:**

1. The Landlord's application is dismissed.

**January 9, 2009**  
**Date Issued**

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Greg Joy  
Member, Landlord and Tenant Board

Eastern Region  
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.