



## Order under Section 31 Residential Tenancies Act, 2006

**Citation:** Seguin v OTTAWA-CARLETON ASSOCIATION FOR PERSONS WITH DEVELOPMENTAL DISABILITIES OCAPDD/OPEN HANDS, 2024 ONLTB 10430

**Date:** 2024-02-09

**File Number:** LTB-T-076159-22

**In the matter of:** 1118 Daly Avenue  
Cornwall ON K6J4V8

I hereby certify this is a  
true copy of an Order dated  
**Feb 09, 2024**  
Landlord and Tenant Board

Tenant

**Between:** Andre Seguin

**And**

Landlord

OTTAWA-CARLETON ASSOCIATION FOR PERSONS WITH DEVELOPMENTAL DISABILITIES OCAPDD/OPEN HANDS

Andre Seguin (the 'Tenant') applied for an order determining that OTTAWA-CARLETON ASSOCIATION FOR PERSONS WITH DEVELOPMENTAL DISABILITIES OCAPDD/OPEN HANDS (the 'Landlord'):

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.
- withheld or interfered with their vital services or care services and meals in a care home.

This application was heard by videoconference on January 31, 2024.

The Tenant's agents Joy and Victor Seguin, the Tenant's legal representative Shaun Harvey, the Landlord's agent David Ferguson, Landlord's witness Cheryl Lapointe, the Landlord's legal representatives Michelle Cicchino and Charles Hofley attended the hearing.

The parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

### On consent it is ordered that:

1. The parents/guardians of the Tenant shall be included in the development of BSP, ISP and transition plan for the Tenant.
2. The Landlord shall ensure that the Tenant is able to return to the rental unit in accordance with the transition plan no later than April 30, 2024.
3. In the event that OCAPDD fails to adhere to the Transition Plan by April 30, 2024, OCAPDD will owe a fine of \$1,000 to the Landlord and Tenant Board for every day it fails

to adhere to the Transition Plan.

4. The Landlord shall waive any claims against the Tenant for any outstanding rent up to the date that the Tenant is back in possession of the rental unit with his full care services in place.
5. The Landlord shall pay to the Tenant \$12,000 in general compensation for the interference in reasonable enjoyment of the Tenant to be qualified as a gift in settlement. The \$12,000 does not cover any claims made under the Ontario Human Rights Code. The \$12,000 payment is expressly separate from any resolution or potential resolution, claim or potential claim for which a dispute between the parties is brought, or has been brought under the jurisdiction of the Ontario Human Rights Tribunal.
6. The compensation in the amount of \$12,000, to be qualified as a gift in settlement, is to be paid to André Séguin within 30 days via cheque. Should payment not occur by February 29, 2024, interest accrues at 6% starting on March 1, 2024 compounded annually.
7. The parties to the application agree that pursuant to *Cunningham v. Whitby Christian Non-Profit Housing Corp.*, 1997 CanLII 12126 (ON SC), the landlord is not permitted to lawfully trespass the invitee's of a tenant.
8. In this case, Joy Séguin and Victor Séguin, as André Séguin's substitute decision maker, are entitled to invite themselves as guests of André Séguin under the same terms that André Séguin could if he were mentally capable.
9. Understanding that this is a care home, when exercising these rights, Joy Séguin and Victor Séguin will give reasonable notice to the care home to ensure André Séguin is at the property. In most circumstances, reasonable would be defined as a phone call a minimum of an hour prior to attending, unless both parties agree to an earlier time. All parties will be respectful of each other's rights and specifically in consideration of the operational requirements and routines of the Care Home.
10. Pursuant to the agreement of the parties, this resolves the application before the Board.



**February 9, 2024**

**Date Issued**

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Dana Wren

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.