



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

**File Number:** TNL-25460-20

**In the matter of:** 1624, 1901 WESTON ROAD  
YORK ON M9N3P1

**Between:** Toronto Community Housing Corp Landlord

**and**

Tolucy Reid Tenant

Toronto Community Housing Corp (the 'Landlord') applied for an order to terminate the tenancy and evict Tolucy Reid (the 'Tenant') because the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex involving the production of an illegal drug, the trafficking in an illegal drug or the possession of an illegal drug for the purposes of trafficking; because the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on February 25, 2021. The Landlord's Legal Representative Emma Sykora attended the hearing. As of 9:29 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Officer Paul Canning (PC), Officer Morgan Ramsden (MR) and Ken Tooby (KT) testified for the Landlord.

**Determinations and Reasons:**

1. The application is based on two notices of termination the Landlord served upon the Tenant being an N6 and N7 both with a termination date of March 18, 2020,
2. In the N6, the Landlord claims that the Tenant or an occupant has committed an illegal act or is carrying on an illegal business involving possession of an illegal drug for the purpose of trafficking.
3. In the N7, the Landlord claims that the Tenant or an occupant seriously impaired the safety of another person and this behaviour occurred at the residential complex.

4. Both notices are based on the same event that occurred on February 2, 2020, wherein a Search Warrant was executed at the Tenant's rental unit and the Tenant was arrested and charged by the arresting Officer.
5. Officer PC described the events of February 2, 2020. Officer PC testified that he has been an Officer with Toronto Police Services, Community Safety Unit for 7 years.
6. Officer PC testified that on February 2, 2020, he attended at the Tenant's rental unit to execute a search warrant. A copy of the General Occurrence Record was entered as Landlord's "Exhibit 1" setting out the particulars of the February 2, 2020 search.
7. Officer PC testified the Tenant was in the rental unit during the search by the Police Officers. The Tenant appeared to have something in his mouth and it was determined to be crack cocaine in plastic. Officer PC also testified that during the search, police seized an additional 30 grams of crack cocaine, Canadian currency and 4 digital scales.
8. Officer PC testified that the Tenant was arrested and was charged with the following offences:
  - a) Possession of cocaine
  - b) Possession of the cocaine for the purpose of trafficking
  - c) Possession of proceeds of crime under \$5,000.00.
9. Officer MR testified that he is a special Constable that works directly with the Landlord and has been for 5 years. Officer MR is familiar with the Tenant and has had numerous dealings with him. Officer MR was aware of the February 2, 2020 search warrant and was in attendance during the search. A copy of his full Cora Report was entered as Landlord's "Exhibit 2".
10. Officer MR testified that issues are ongoing and that he is concerned that the behaviour will escalate.
11. KT, a Community Safety Advisor for the Landlord, testified that he is familiar with the Tenant and has had numerous discussions with the Tenant regarding drugs in the rental unit.
12. KT also testified that the residential complex consists of approximately 390 units and is 17 storeys. He further testified to the demographic of the residents residing in the building which are mostly elderly and vulnerable persons. KT is concerned about continuous drugs in the rental unit and the Landlord does not have funding to monitor the Tenant's behaviour.
13. All the Landlord's witnesses testified that it is important that the tenancy is terminated and the Landlord regains possession of the rental unit to stop drug activity in the unit and possible violence resulting from this behaviour.

14. Based on the uncontested evidence provided at the hearing, I am satisfied, on a balance of probabilities that the Landlord has established that the Tenant committed a serious illegal act in the rental unit, namely possession of crack cocaine for the purpose of trafficking.
15. I am also satisfied, on a balance of probabilities based on the testimony given by the Landlord's witnesses, that by possessing and storing drugs in the rental unit for the purpose of trafficking, that the Tenant seriously impaired the safety of others at the residential complex.
16. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the *Act*.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated, as of June 19, 2021. The Tenant must move out of the rental unit on or before June 19, 2021.
2. The Tenant shall pay to the Landlord \$1,712.34, which represents compensation for the use of the unit from March 19, 2020 to June 14, 2021. If the Tenant has made any payments to Landlord since the date of the hearing, those payments shall be offsite from the amount outstanding.
3. The Tenant shall also pay to the Landlord \$3.78 per day for compensation for the use of the unit from June 15, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$175.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before June 19, 2021, the Tenant will start to owe interest. This will be simple interest calculated from June 20, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before June 19, 2021, then starting June 20, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after June 20, 2021. The Sheriff is requested to expedite the enforcement of this order.

**June 14, 2021**  
**Date Issued**



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**Shannon Kiekens**  
Member, Landlord and Tenant Board

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

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on December 20, 2021 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.