



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-93571-20

In the matter of: 221, 559 KING STREET
MIDLAND ON L4R 3N6

Between: Simcoe County Housing Corporation

Landlord

and

Krystal Allaire

Tenant

Simcoe County Housing Corporation (the 'Landlord') applied for an order terminating the tenancy of Krystal Allaire (the 'Tenant') on the basis that the Tenant committed an illegal act.

This application was heard by video hearing on February 11, 2021 and continued on May 7, 2021.

The Landlord and the Tenant attended the hearing on May 7, 2021. Mr. Paul Wara attended for the Landlord.

Determinations:

1. As of the hearing on May 7, 2021, both parties were desirous that the tenancy continue. The Landlord simply wanted some conditions. The Tenant was agreeable to the conditions.
2. With respect the proposed term, not to disturb the quiet enjoyment of other tenants, this term is too general to be subject to section 78 of the *Residential Tenancies Act, 2006*, is somewhat redundant given the provisions of the Act, and not connected to the real problem here.
3. This is not to say that illegal drug activity, or apparent drug activity, does not impair the reasonable enjoyment of other tenants – of course, it does. But the specific problem can be addressed by more specific terms.
4. The proposed conditions were otherwise reasonable and will be ordered.

It is ordered that:

1. The Landlord's application for eviction of the Tenant is denied on the condition that:

- a) The Tenant shall not invite or take any step to permit or allow Jarrod Smith to enter her unit or the residential complex.
 - b) The Tenant shall not possess, sell or in any way distribute illegal drugs, where this activity occurs within her unit or anywhere within the residential complex. The Tenant will not invite, or where reasonably within her power, permit or allow other persons to do the same (this does not mean that the Tenant is obliged to take positive steps to prevent illegal drug activity by other persons, wholly unconnected to the her and whose presence within the residential complex is wholly unconnected to her).
 - c) The Tenant shall take all reasonable steps not to permit or allow others persons not known to her, or known to her not to be residents of the residential complex, to enter the residential complex through either the front lobby entrance or through the back door to the residential complex.
2. Whether the Tenant has engaged in illegal drug activity or permitted or allowed the same does not require proof beyond a reasonable doubt, but rather proof on a balance of probabilities.
 3. If the Tenant fails to comply with the conditions set out in paragraph 1 a-c above, or any one of them, for the period from the date of this order up to June 13, 2022, then within 30 days of the breach, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant.



June 14, 2021
Date Issued

Donald MacVicar
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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