



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

**Citation:** Orillia Community Non-Profit Housing Corp. v Layzell, 2024 ONLTB 21196

**Date:** 2024-04-05

**File Number:** LTB-L-036839-23

**In the matter of:** 66, 75 WALKER AVE  
ORILLIA ON L3V7N1

**Between:** Orillia Community Non-Profit Housing Corp.

Landlord

**And**

Rachel Layzell Tenant

Orillia Community Non-Profit Housing Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Rachel Layzell (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.

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 March 14, 2024.

Only the Landlord's Agent Glenn Jeanes attended the hearing.

As of 9:52 am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

**Determinations:**

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the tenancy is terminated and compensation awarded.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On April 28, 2023, the Landlord gave the Tenant an N6 notice of termination. The notice of termination contains the following allegations:

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- On April 26, 2023 at 6:30 pm, Ontario Provincial Police executed a search warrant on your unit for drug trafficking, you and approximately 4 other persons were arrested.
  - On April 25, 2023, the Landlord received a call that people in your unit verbally attacked a neighbor when she went to your door to ask you to keep the noise down.
  - Between January 2023 to present, the Landlord has observed vehicles coming and going and stopping on the internal street in front of your unit at all hours of the day.
4. The Landlord's Agent, Glenn Jeanes (GJ), testified that on April 25, 2023, he received a phone call from the tenant who resides next door to the Tenant. He testified that the tenant informed him that she called the police because she had knocked on the Tenant's door to ask that the noise be kept down, when 4 men in masks in the Tenant's unit threatened her.
  5. GJ testified that on April 26, 2023, he observed the Ontario Provincial Police execute a warrant on the Tenant's unit and arrested her and approximately 4 of her guests for drug trafficking. A video of the arrest was submitted into evidence and the Tenant was identified by the GJ as the girl with the red hair in the video.
  6. GJ testified that he has observed since January 2023 and on-going as of the date of the hearing, heavy traffic of people in and out of the Tenant's unit for short periods of time, consistent with the trafficking of drugs.
  7. Based on the uncontested evidence before the Board, I am satisfied on a balance of probabilities that the Tenant has committed an illegal act that includes possession for the purposes of trafficking an illegal drug and that further by doing so has placed other residents of this residential complex in an unsafe position due to the behaviour of the Tenant and the dangerous nature of the drug business. I find that the Landlord has met the requirements of section 61(2)(a) of the Act and an order will issue accordingly.

8. The Landlord's Agent provided no testimony that the Tenant was in arrears of rent as of the date of the hearing.
9. Based on the Monthly rent, the daily compensation is \$3.65. This amount is calculated as follows: \$111.00 x 12, divided by 365 days.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. There is no last month's rent deposit.

### **Relief from Eviction**

12. GJ testified that he had no knowledge of any information I should consider in relation to the Tenant's circumstances in accordance with section 83.
13. The Tenant did not participate at the hearing to testify or defend her position.

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14. 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.
15. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

### **It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before April 16, 2024.
2. If the unit is not vacated on or before April 16, 2024, then starting April 17, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction 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 Landlord on or after April 17, 2024.
4. The Tenant shall pay the Landlord compensation of \$3.65 per day for the use of the unit starting April 1, 2024 until the date the Tenant moves out of the unit.
5. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. If the Tenant does not pay the Landlord the full amount owing on or before April 16, 2024, the Tenant will start to owe interest. This will be simple interest calculated from April 17, 2024 at 7.00% annually on the balance outstanding.

**April 5, 2024**

**Date Issued**

**Brenda Mercer**

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on October 17, 2024 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.

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