



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

**Citation:** Ladouceur v Deslauriers, 2023 ONLTB 38435

**Date:** 2023-06-01

**File Number:** LTB-L-076149-22

2023 ONLTB 38435 (CanLII)

**In the matter of:** A, 3728 Champlain Street Bourget Ontario K0A1E0

**Between:** Etienne Ladouceur Landlord

**And**

Mario Deslauriers Tenants  
Therese Deslauriers

Etienne Ladouceur (the 'Landlord') applied for an order to terminate the tenancy and evict Mario Deslauriers and Therese Deslauriers (the 'Tenants') because:

- the Tenants 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 Tenants, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex;
- the Tenants, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully caused undue damage to the premises;

This application was heard *DE NOVO* by videoconference on May 4, 2023.

The Landlord and the Tenant’s Legal Representative Pierre Daignault and the Tenants attended the hearing.

## Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy, therefore an order terminating the tenancy shall be issued.

**File Number:** LTB-L-076149-22

2023 ONLTB 38435 (CanLII)

2. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Landlord submitted that they had filed an N5 notice of termination with their application. However, there was a “record of transaction” at page 31 of the application uploaded in the Portal that stated that the Landlord asked that the N5 be removed as he was “more concerned with the N6 and N7”. As a result, there was no N5 notice of termination for determination at the hearing.
4. On 25 July 2021, the Landlord was deemed to have served the Tenants an N6 notice of termination. The notice of termination contains the following allegations:
  - On June 22, 2021 “you have exceeded the 4 plants limit of cannabis as stated by the laws of Ontario”
5. The Landlord submitted several photos that clearly showed that the Tenants were growing more than 4 cannabis plants in the yard to the rental unit.
6. It was uncontested that the Tenants were growing more than 4 cannabis plants, which exceeds the authorized lawful limits.
7. On cross-examination the Landlord stated that he had contacted the police and that they took no action, and no charges were laid against the Tenants. He also stated that he contacted the by-law unit and they advised that it was not something that they deal with.
8. The Tenants submitted that the Landlord should amend their lease agreement to reflect that there is a legal limit of growing a maximum of 4 cannabis plants, and also that by growing more plants does not seriously impact the rental unit.
9. The Board notes that the Ministry of Housing standard lease does not contain any provisions relating to cannabis in particular, or provisions reminding parties to the agreement that they must abide by the law at all times.
10. The Tenants or an occupant of the rental unit has committed an illegal act, involving the unlawful production of more than 4 cannabis plants in the rental unit. I am satisfied that the Tenants are growing more than 4 cannabis plants at the rental unit.
11. On 13 October 2023 the Landlord was deemed to have served the Tenant an N7 notice of termination. The notice of termination contains the following allegations:

- a. Your behaviour or the behaviour of someone visiting or living with you has seriously impaired the safety of another person; and
- b. You or someone visiting or living with you has wilfully damaged the rental unit or the residential complex by:
  - i. On August 11, 2021, "impairment of safety by tampering, damaging and removing without permission an outside electrical outlet (GFI Plug)".
  - ii. On August 30, 2021, "a second outside electrical outlet (GFI Plug) was tampered, damaged and removed without permission.

**File Number:** LTB-L-076149-22

12. The Landlord submitted photos showing the outside electrical outlet boxes that had been tampered with. The photos show that the CGI plugs had been removed.
13. The Landlord has not proven that the Tenants, an occupant of the rental unit or a person permitted in the residential complex by the Tenants has wilfully caused undue damage to the rental unit. The Landlord did not lead any evidence to show who had wilfully caused the damages. Therefore, I could not conclude just on the photos alone that it was the Tenants that had caused the damages.
14. The Landlord incurred costs of \$217.15 for filing the application and is entitled to reimbursement of those costs.
15. The Tenants did not make any submissions seeking relief from eviction.
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 Tenants is terminated, as of June 12, 2023.
2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 12, 2023
3. If the unit is not vacated on or before June 12, 2023, then starting June 13, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. 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 13, 2023.
5. The Tenants shall pay to the Landlord \$217.15 for the cost of filing the application.

**June 1, 2023**

**Date Issued**

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**Robert Patchett**

Vice Chair, 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 expires on December 2, 2023 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.

2023 ONL TB 38435 (CanLII)