



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

Citation: Prince Edward Lennox & Addington Housing Corporation v McLean, 2023 ONLTB 21581

Date: 2023-02-27
File Number: LTB-L-051471-22

In the matter of: 110, 369 DUNDAS ST W
NAPANEE ON K7R2B5

Between: Prince Edward Lennox & Addington Housing Corporation Landlord

And

Ashley McLean Tenant

Prince Edward Lennox & Addington Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Ashley McLean (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 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.

This application was heard by videoconference on February 15, 2023.

Only the Landlord's legal representative, Trevor Abrams, attended the hearing. Detective Constable Brassard attended the hearing as a witness for the Landlord.

As of 9:30 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. Therefore, the tenancy is terminated and the Tenant must move out of the rental unit on or before March 4, 2023.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On September 7, 2022, the Landlord gave the Tenant an N6 notice of termination deemed served on September 12, 2022. The notice of termination alleges that on September 1,

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2022, the Tenant was found to be in possession of schedule one substances, methamphetamine and cocaine, for the purpose of trafficking.

4. I am satisfied, based on the uncontested evidence of Detective Constable Brassard that the Tenant was apprehended at the rental unit on September 1, 2022 where she was found to be in possession of schedule one substances for the purpose of trafficking, namely methamphetamine and cocaine.
5. As a result, I am satisfied that the Tenant has committed an illegal act, trade, business or occupation involving the possession of an illegal drug for the purposes of trafficking in the rental unit. I am also satisfied that this has had a serious and negative impact on the other tenants in the residential complex, most of whom are seniors.
6. 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. The Tenant must move out of the rental unit on or before March 4, 2023.
2. If the unit is not vacated on or before March 4, 2023, then starting March 5, 2023, 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 March 5, 2023. The Sherrif is requested to expedite the enforcement of this order.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before March 4, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 5, 2023 at 5.00% annually on the balance outstanding.

February 27, 2023

Date Issued

Richard Ferriss

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 September 5, 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.