



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

**Citation:** Palus v Baillie, 2022 ONLTB 13423

**Date:** 2022-11-28

**File Number:** LTB-L-045051-22

**In the matter of:** 3, 68 FRASER ST  
WALLACEBURG ON N8A3W6

**Between:** Damian Palus, Landlords  
Paragon Property Management and Maintenance

**And**

Dave Murphy Tenants  
John Murphy  
Quin Baillie

Damian Palus and Paragon Property Management and Maintenance (the 'Landlords') applied for an order to terminate the tenancy and evict Dave Murphy, John Murphy, and Quin Baillie (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 Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on October 11, 2022.

The Landlords' representative, M. Hooper, attended the hearing. The Landlords called their property manager, D. Wagenaar, as a witness.

**Determinations:**

1. The Tenant John Murphy 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 and residential complex. On August 5, 2022, the police raided the rental and seized \$4,799.00 worth of illegal drugs (OxyContin, cocaine, methamphetamine). Four people were arrested at the rental unit. The Tenant John Murphy was charged with the possession of illegal drugs for the purpose of trafficking, and the others were released without charges.

2. The illegal act is serious and has the potential of adversely affected the character of the complex and the reasonable enjoyment of residents. Indeed one of the Tenants was robbed of drugs at gun point on the premises.
3. Based on the Monthly rent, the daily compensation is \$32.88. This amount is calculated as follows: \$1,000.00 x 12, divided by 365 days.
4. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
5. There is no last month's rent deposit.
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 Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before December 3, 2022.
2. If the unit is not vacated on or before December 3, 2022, then starting December 4, 2022, the Landlords 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 Landlords on or after December 4, 2022. **The Sheriff is requested to expedite the enforcement of this order.**
4. The Tenants shall pay the Landlords compensation of \$32.88 per day for the use of the unit starting December 4, 2022 until the date the Tenants move out of the unit.
5. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
6. If the Tenants do not pay the Landlords the full amount owing on or before December 3, 2022, the Tenants will start to owe interest. This will be simple interest calculated from December 4, 2022 at 2.00% annually on the balance outstanding.

**November 28, 2022**

**Date Issued**

\_\_\_\_\_  
Egya Sangmuah

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 of the Tenants expires on June 4, 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.