



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-029579-25

In the matter of: A, 165 WOOD ST W
PRESCOTT ON K0E1T0

Between: JAMES HUTCHINSON

And

Matthew Beaton
Shania Hill

I hereby certify this is a
true copy of an Order dated

May 16, 2025

Landlord and Tenant Board

Landlord

Tenants

JAMES HUTCHINSON (the 'Landlord') applied for an order to terminate the tenancy and evict Matthew Beaton and Shania Hill (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.

This application was heard by videoconference on May 13, 2025. The Landlord and the Landlord's Legal Representative, L. Duchene, attended the hearing.

As of 9:03 a.m., the Tenants were 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:

- As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy is terminated.
- The Tenants are in possession of the rental unit.
- On April 7, 2025, the Landlord gave the Tenants a Notice to End your Tenancy for Illegal Acts or Misrepresenting Income in a Rent-Geared-to-Income Rental Unit (N6) with a termination date of April 27, 2025. The Landlord alleged in the N6 notice of termination that on September 10, 2024, and December 4, 2024, a raid of the rental unit by the police resulted in criminal charges against the Tenant for multiple reasons.
- The Landlord testified that following the execution of a search warrant on September 10, 2024, at about 10:30 p.m., he observed the Tenant, Matthew Beaton, being escorted out of the rental unit in handcuffs while the Tenant, Shania Hill sat in the police cruiser. The police

recovered stolen property from the residential complex. A news article dated September 11, 2024, indicated the Tenant, Matthew Beaton was charged with:

- Four counts of possession of property obtained by crime over \$5,000.00
 - Possession of property obtained by crime under \$5,000.00
 - Careless storage of a firearm, weapon, prohibited device or ammunition.
5. On December 3, 2024, following another raid of the unit, an article dated December 5, 2024, indicated that '*half a dozen stolen firearms, ammunition, a stolen utility trailer, a stolen ATV, stolen snowblowers, stolen fishing gear as well as break-in tools*' were recovered from the residential complex by the police.
 6. Following the latter incident, the Tenant, Matthew Beaton was arrested and charged with six counts of unauthorized possession of a firearm, six counts of possession of a firearm obtained by crime, careless storage of a firearm, six counts of breach of firearm regulation, ten counts of possession of property obtained by crime under \$5,000.00, and possession of break-in instruments.
 7. Section 61 (1) of the *Residential Tenancies Act, 2006* states that a Landlord may give a Tenant notice of termination of the tenancy if the Tenant or another occupant of the rental unit commits an illegal act or carries on an illegal trade, business or occupation or permits a person to do so in the rental unit or the residential complex.
 8. Based on all the evidence, I am satisfied that the Tenants have committed an illegal act in the residential complex by their possession of property obtained by crime, theft, and unauthorized possession of a firearm, to name a few, for which they have been charged. The conduct of the Tenants are serious criminal acts and the possession of multiple firearms and its careless storage, can cause significant injury or death to others in or around the residential complex.

Relief from Eviction


9. The Tenant, Matthew Beaton, has lived in the unit for approximately seven years, with the other Tenant moving in sometime later. The Tenant worked as a carpenter, then became self-employed but his source of income is currently unknown.
10. Given the Tenants' absence from the hearing, and the seriousness of their conduct, the tenancy will terminate on May 27, 2025.
11. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
12. The Landlord collected a rent deposit of \$1,100.00 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$128.62 is owing to the Tenants for the period from October 8, 2018, to May 13, 2025.
13. The amount of the rent deposit and interest on the rent deposit must be applied to the last month of the tenancy.

14. I have considered all 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. The Tenants must move out of the rental unit on or before May 27, 2025.
2. If the unit is not vacated on or before May 27, 2025, then starting May 28, 2025, 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 May 28, 2025.
4. The Tenants shall pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing on or before May 27, 2025, the Tenants will start to owe interest. This will be simple interest calculated from May 28, 2025, at 5.00% annually on the balance outstanding.
6. The Landlord owes \$1,228.62 which is the amount of the rent deposit and interest on the rent deposit. This amount shall be applied to the last month of the tenancy.

May 16, 2025
Date Issued



Jitewa Edu
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 Tenants expires on November 28, 2025 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.