



Order under Section 69 Residential Tenancies Act, 2006

Citation: 434 PALACE RD. HOLDING CORP. v WHITE, 2026 ONLTB 716

Date: 2026-01-09

File Number: LTB-L-059740-25

In the matter of: 15, 434 PALACE RD
NAPANEE ON K7R1A3

Between: 434 PALACE RD. HOLDING CORP. Landlord

And

THERESA WHITE Tenants
KIERSHA WHITE

434 PALACE RD. HOLDING CORP. (the 'Landlord') applied for an order to terminate the tenancy and evict THERESA WHITE and KIERSHA WHITE (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 27, 2025.

Only the Landlord's Witness, Wendy Holzgang and the Landlord's Legal Representative, Angie Gravelle, attended the hearing.

As of 10:02 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 and compensation in the application. **Therefore, the Tenants must move out of the rental unit on or before January 20, 2026.**

2. The Tenants were in possession of the rental unit on the date the application was filed.
3. On July 8, 2025, the Landlord gave the Tenants an N6 notice of termination. The notice of termination contains the following allegations:
4. On April 7, 2025, and May 7, 2025, other tenants, complained of strong chemical or paint thinner odor coming from the rental unit. The former incident was reported to the police and the later incident the Landlord knocked on the Tenants door, but no one answered but the Landlord could smell some form of chemicals and thereafter reported the incident to the local police.
5. On May 12, 2025, the Landlord again received a complaint from another Tenant that the fire panel was beeping. The Landlord attended the building and noticed that the Tenants had remove their in-suite fire alarm, the Tenants were advised this could not occur again as it was the second time this had occurred during the tenancy.
6. On May 15, 2025, the Ontario Provincial Police Services attended the Tenants rental unit under search warrant. The officers located over 32 grams of suspected methamphetamine, a loaded weapon, over 350 rounds of ammunition and just under \$3,000.00 in cash. The Tenant, Kiersha White (KW) was charged with various weapons charges along with a charge for possession of methamphetamine for the purpose of trafficking and proceeds of property obtained by crime under \$5000.00.
7. On or about July 5, 2025, the Landlord received two separate complaints of a strong methamphetamine smell coming from the Tenants unit.
8. The Landlord's L2 Application is made pursuant to the N6 notice of termination given under subsection 61(1) of the Residential Tenancies Act, 2006 (the "Act"). In this case, the Landlord selected the box on the N6, alleging that the Tenants or another occupant of the rental unit had committed an illegal act or had 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.
9. In order for the Landlord's application to be successful, the Landlord must establish that the Tenants or an occupant committed an illegal act involving the production of a drug or the trafficking or possession of a drug for the purpose of trafficking. If the Landlord cannot prove, on balance of probabilities, that the events in the notice relate to drug trafficking or production, I cannot issue an order evicting or remedies based upon an application made pursuant to that notice. Proof of the presence or use of drugs by the Tenants, other occupants, or guests, is not sufficient for the Landlord's application to succeed.
10. In this case, the Landlord did prove that the Tenants have committed an illegal act, trade, business or occupation involving the production of an illegal drug, trafficking in an illegal drug, or possession of an illegal drug for the purposes of trafficking in the rental unit and below are my reasons.
11. The N6 served on the Tenants describes various incidents along with the resulting arrest of the Tenant, KW by the OPP regarding possession of an illegal drug for the purposes of trafficking, which the Landlord's Legal Representative, submitted uncontested

documentary and oral testimony by the witness, Wendy Holzgang, (WH) the superintendent of the residential complex for the past 22 years.

12. I now turn my attention to documentary evidence submitted by the Landlord, and the Landlord's Witness uncontested testimony that on May 15, 2025, the, the OPP attended and arrested the Tenant, KW on the charges as enumerated in the OPP occurrence confirmation report submitted as evidence by the Landlord's Legal Representative, which were as enumerated in the N6 notice. Moreover, photos submitted by the Landlord's Legal Representative indicate the kitchen area of the rental unit was used as a production site for the alleged methamphetamine.
13. The Landlord's Witness, WH further testified that what led to the Landlord contacting the police was the complaints as enumerated in the N6 notice of the chemical odours emanating from the Tenants residence and the complaints from other tenants in the residential complex.
14. The Landlord's Witness, HW further commented on the media release regarding the arrest of the Tenant and others, that included the arrest and charges laid on the Tenants as aforementioned, specifically drug trafficking, weapons offences, and possession of proceeds of crime, and failing to comply with probation. This media release was submitted as evidence.
15. The illegal acts alleged in the N6 relate to drug production, trafficking, and possession of an illegal drug for the purposes of trafficking, and the proof provided by the Landlord that the Tenants in fact themselves was responsible for this was the evidence submitted and the Tenant's KW subsequent arrest, and the media release of police thereafter.
16. I am asked to infer that the OPP team attending and arresting the Tenant KW and the subsequent police media release regarding the charged laid is evidence related to drug crimes.
17. On a balance of probabilities, the Landlord has proven the requirements of subsection 61 of the Act, and the N6 notice of termination can sustain an eviction.
18. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from Eviction

19. 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, given the Tenants was not in attendance and no circumstances were presented to me on the Tenants' behalf.
20. I have considered all the uncontested evidence presented at the hearing and all of the uncontested oral testimony and although I may not have referred to each piece of evidence or referenced all of the testimony, I have considered it when making my determinations.
21. This order contains all of the reasons within it and no further reasons will be issued

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 January 20, 2026.
2. If the unit is not vacated on or before January 20, 2026, then starting January 21, 2026, 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 January 21, 2026.
4. The Tenants shall pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants does not pay the Landlord the full amount owing on or before January 20, 2026, the Tenants will start to owe interest. This will be simple interest calculated from January 21, 2026 at 4.00% annually on the balance outstanding.

January 9, 2026
Date Issued

Panagiotis P. Roupas
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 July 20, 2026 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.