



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-065798-25

In the matter of: 320, 200 SHERBOURNE ST
TORONTO ON M5A3Z5

Between: Toronto Community Housing Corporation Landlord

And

Brian Davenport Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Brian Davenport (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, 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 Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on November 20, 2025.

Only the Landlord's Agent Maryam Maqsood and the Landlord's Legal Representative Laura MacPhee attended the hearing.

As of 9:33am, 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 effective January 13, 2026

2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On July 29, 2025, the Landlord gave the Tenant an N6 and N7 notice of termination both of which were deemed served on August 3, 2025. The notice(s) of termination contain the following allegations: That on December 7, 2023 the unit was raided by the drugs squad who discovered significant quantities of crack cocaine, fentanyl, carfentanyl and oxycodone. The N6 and N7 also allege that on March 22, 2025 guests of the Tenant assaulted another resident of the complex with an extendable baton with the residential complex.
4. 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 residential complex
5. A person permitted in the residential complex by the Tenant has seriously impaired the safety of another resident by assaulting them with an extendable baton. This conduct occurred in the residential complex.
6. Special Constable Haque testified for the Landlord that on March 22, 2025, they were called to the rental unit because a victim was assaulted by three women and one man with an extendable baton several times in the head and then dragged into the rental unit. He testified that he and officers from the Toronto police service breach the door to the rental unit and placed all four of them under arrest and laid multiple charges. The Tenant was not present in the rental unit at the time the assault occurred and was not arrested at that time.
7. Claudio Rizzi a Detective Constable with the police service also testified at the hearing. He was the lead investigator on a drug investigation of which the Tenant was the primary target.
8. He testified that on November 15, 2023 he received information that there were individuals attempting to solicit persons using a safe injection site on Victoria street in Toronto, and sell them drugs. As a result, an undercover officer was deployed and approached the Tenant and purchased a quantity of fentanyl from the Tenant.
9. He testified that the investigation continued and expanded over the course of three weeks. He testified that during the undercover buys the Tenant brought the undercover officer to the residential complex, and had them wait in the rental unit, while he retrieved the drugs for the sale from unit 506.
10. He testified that by December 7, 2023 he had identified two units possibly being used to store fentanyl and other controlled substances, these being the rental unit and unit 506 within the complex. On December 7, 2023 a search warrant was executed on these two units. In unit 506 officers located a safe with large quantities of crack cocaine, fentanyl, carfentanyl and oxycodone and a small quantity of cash. He testified that the Tenant and two other persons were arrested and when the Tenant was searched he also had controlled substances on his person.
11. He testified that the Tenant was charged with possession for the purpose of trafficking, however the charges were later withdrawn due to a technicality.

Analysis

12. Based on the Landlord's uncontested evidence I am satisfied they have demonstrated that the Tenant committed an illegal act involving drugs within the complex, and that a guest of the Tenant seriously impaired the safety of another person within the complex.
13. With respect to the March 22, 2025 assault I am prepared to accept the direct and contemporaneous testimony of the responding officer, and find that this assault committed by the Tenant's guests seriously impaired the safety of another resident. However, I am not satisfied that the Landlord has demonstrated that the Tenant permitted this illegal act, as they were not present. Therefore, while I accept that the Landlord has demonstrated that the Tenants guests seriously impaired safety, the Landlord has not demonstrated that the Tenant permitted this illegal act.
14. I am satisfied that the Landlord has demonstrated that the Tenant committed an illegal act involving drugs, once again, I place significant weight on the testimony of detective Claudio Rizzi who was the lead investigator with direct knowledge of events. His clear testimony was supported by an extensive report, and I accept that it demonstrates that the Tenant was using both his own rental unit and unit 506 to facilitate the trafficking of controlled substances. Given that the detective was able to provide detailed testimony with respect to the Tenant selling these drugs to an undercover officer, and significant quantities were later received from unit 506 when it was searched I am satisfied that the Landlord has demonstrated that the Tenant has committed an illegal act by being in possession of drugs for the purpose of trafficking within the complex.
15. Though the criminal charges have been dismissed, I note that it is not necessary that a conviction be obtained for me to find that the Tenant has committed an illegal act, in this case based on the Landlord's contested evidence, I am satisfied that the Tenant has committed an illegal act, by possessing drugs for the purpose of trafficking.
16. The Tenant was required to pay the Landlord \$383.88 in daily compensation for use and occupation of the rental unit for the period from August 29, 2025 to November 20, 2025.
17. Based on the monthly rent, the daily compensation is \$4.57. This amount is calculated as follows: $\$139.00 \times 12$, divided by 365 days.
18. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
19. There is no last month's rent deposit.
20. 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. The Landlord's Legal Representative was not aware of any of the Tenant's circumstances that would support delaying or denying eviction. The Tenant did not attend and thus I did not have an opportunity to hear evidence from them on the issue. Considering all the circumstances, I am satisfied 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 January 13, 2026.
2. If the unit is not vacated on or before January 13, 2026, then starting January 14, 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 14, 2026. ; The Sherrif is requested to expedite the enforcement of this order.
4. The Tenant shall pay the Landlord compensation of \$4.57 per day for the use of the unit starting November 21, 2025 until the date the Tenant moves out of the unit.
5. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. The total amount the Tenant must pay the Landlord is \$186.00
7. If the Tenant does not pay the Landlord the full amount owing on or before January 13, 2026, the Tenant will start to owe interest. This will be simple interest calculated from January 14, 2026 at 4.00% annually on the balance outstanding.

January 8, 2026

Date Issued

Reid Jackson

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 July 14, 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.

