



## **Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006**

**Citation:** Toronto Community Housing Corporation v Gallimore, 2026 ONLTB 2361

**Date:** 2026-01-07

**File Number:** LTB-L-098095-23-RV

**In the matter of:** 371, 3680 KEELE ST  
NORTH YORK ON M3J1M2

**Between:** Toronto Community Housing Corporation Landlord

**And**

Charles Gallimore Tenant

### **Review Order**

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

This application was resolved by order LTB-L-098095-23 issued on October 8, 2025.

On October 10, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On October 10, 2025, interim order LTB-L-098095-23-RV-IN was issued, staying the order issued on October 8, 2025.

This application was heard by videoconference on December 22, 2025.

The Landlord's Agent Ken Tooby, the Landlord's Legal Representative Jessica Fletcher, the Tenant, and the Tenant's Legal Representative Hanson Sone attended the hearing.

DC Simone Bailey and Kanika Sharma attended as witnesses for the Landlord.

### **Determinations:**

## Review

1. The review was granted in LTB-L-098095-23-IN-2 issued on November 12, 2025.

## Merits

2. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy and/or the claim for compensation in the application. Therefore, the application must be dismissed.
3. The Tenant was in possession of the rental unit on the date the application was filed.
4. On December 7, 2023, the Landlord gave the Tenant a N6 notice of termination. The notice of termination contains the following allegations:

On October 18, 2023, at approximately 10:56 p.m., Toronto Police Service (TPS) Major Crime Unit executed a Controlled Drugs and Substance Act search warrant at the Unit. The Landlord assisted the TPS with the search warrant and reviewed CCTV footage to confirm the Tenant is in the unit and a search was also conducted in the Tenant's car. The accused Tenant was located inside the unit, and during the search of the unit, officers located:

- A quantity of 11.07grams of Heroin, .21 grams of cocaine and 2.37 grams of Crack and 1.58 grams of Oxycodone.
- A quantity of 399.19 grams of unknown Schedule 1 substance.
- A quantity of cash- \$3065 CAD and \$83 USD.

As per the TPS General Occurrence report, based on the subject incident, the Tenant was arrested for the following charges:

- (i) Charge #1, #2, #3 - Possession of Schedule 1 Substance for Purpose of Trafficking- Controlled Drug and Substances Act 5(2).
  - (ii) Charge #4 - Possession of Proceeds obtained by Crime under \$5000 CC 354 (1).
5. Ken Tooby (KT), a safety advisor for the Landlord, testified his role includes identifying risk to a person, a unit, or the community, and removing or reducing such risk. The Landlord was aware of the search warrant as set out in CSU Report Review dated October 18, 2023. The Toronto Police Service (TPS) contacted the Landlord advising the Tenant was under surveillance and the police were executing a search warrant of the Tenant's unit and vehicle. The police executed the search warrant; a quantity of illegal street drugs and both Canadian and American cash was seized. The Tenant was placed under arrest and charged with the offences indicated in the N6.
  6. KT also testified that the building is mostly seniors with health and drug issues; the occupants are vulnerable persons and drug raids are very upsetting. There is an increase in persons seeking drugs which heightens residents fear level and affects community safety. If eviction is not granted, the Landlord is seeking a conditional order.

7. On cross examination KT confirmed that he did not write the report dated October 18, 2023, but he reviewed it the following day as part of his duties. KT did not witness the Tenant selling drugs and did not see the drugs and money that was seized. His knowledge of the Tenant selling drugs came from the report. KT was also unsure if there had been any further illegal acts by the Tenant.
8. Detective Constable Bailey (DC Bailey) testified being with the major crimes unit approximately 6 ½ years and undergoing drug-related training. DCB was familiar with the Tenant since 2023 and was familiar with the search warrant; she has no direct involvement with the case but is the case manager, as such, her testimony relies on the police documents. The General Occurrence Report GO#2023-2424929 (GOR) dated October 18, 2023, that was written by Officer John Saul sets out:

**PROSECUTION SUMMARY**

**CHARGE #1:** Possess Schedule 1 Substance for Trafficking CDSA 5(2)  
**CHARGE #2:** Possess Schedule 1 Substance for Trafficking CDSA 5(2)  
**CHARGE #3:** Possess Schedule 1 Substance for Trafficking CDSA 5(2)  
**CHARGE #4:** Possess Proceeds Obtained by Crime Under \$5000 CC 354 (1)  
**OFFENCE DATE:** 2023-10-18  
**OFFENCE LOCATION:** 371-3680 Keele St, Toronto  
**ACCUSED:** Charles GALLIMORE 1973-04-20

**SYNOPSIS:**

On Wednesday October 18th, 2023, Officers from 31 Division Major Crime Unit executed a Controlled Drugs and Substances Act search warrant at 3680 Keele St, Unit 371. The Accused was located inside the unit and placed under arrest. During the search of the unit officers located a quantity of three separate Schedule 1 substances, as well as a quantity of Canadian and American currency (**CHARGES # 1-4**).

The Accused was transported to 31 Division where he was held for a Show Cause hearing.

**SEIZED ITEMS:**

**Heroin:** 11.07g  
**Crack:** 2.37g  
**Cocaine:** .21g  
**Oxycodone:** 1.58g  
**Unknown Schedule 1:** 399.19g  
**Canadian Currency:** \$3065  
**American Currency:** \$83

9. DC Bailey also testified that the GOR was written shortly after the search warrant was executed; the Landlord had been notified about the search warrant. The search warrant came about after TPS received an anonymous tip that the Tenant was selling illegal drugs; TPS conducted video surveillance of the Tenant's unit which resulted in the search warrant being issued. The street value of the drugs seized was approximately \$2,250.00; heroine \$1,900.00, crack \$100.00 and oxycodone \$150.00. The seized drugs were initially identified at the scene and then sent for analysis/testing to confirm. The substances came back as the drugs indicated in the GOR, and the unknown substance was sodium bicarbonate. Some of the heroine came back as mixed with cocaine. It is the TPS's position that the drugs seized were illegal, and because of the quantity, they were for the purpose of trafficking. The other evidence of trafficking is in the court case, but there was no evidence of drug trafficking on the Tenant's phone.

10. On cross examination DC Bailey testified that when charges are stayed, the court does not give a reason and confirmed not being the author of the report; the officer who wrote the GOR is no longer with TPS. Prior to the search warrant, surveillance would have been carried out over a number of days and there was likely five officers involved.
11. Kanika Sharma (KS) testified she is the Community Services Co-ordinator for the Landlord and is familiar with the building; it is a low rise 3-storey apartment housing Rent-Geared-to-Income (RGI) tenants. KS is aware the Landlord is seeking termination, but the Tenant would get support with relocating through the Soft Landing program. If a tenant cooperates with Soft Landing, they can be re-housed quite quickly.
12. On cross examination KS confirmed that the housing the Soft Landing program refers to is transitional, not permanent, and it can take up to 5-years to get into subsidized housing. KS also confirmed that if evicted the Tenant would lose his subsidy, and said she was not aware of whether the Tenant is subject to conditions.
13. The Tenant testified he has lived in the unit for approximately 8-years, he lives alone. He is not selling drugs, the drugs found were for personal use; he takes them because he is sick, and they help with his back pain. A few months prior to the police search he had consulted a doctor about his constant pain; the doctor prescribed Tylenol 3 but they do not work all the time. The confiscated drugs make him more relaxed, take away the pain, and help him sleep. On October 9, 2025, Doctor A.M. Alexander filled out a Health Status Report and Activities of Daily form for the Ontario Disability Support Program (ODSP). Page 3 of the form sets out three medical conditions he is suffering from: chronic low back pain; M.D.D., Muscular Dystrophy Disorder; and brain fog causing a constant state of confusion.
14. The Tenant also testified that the tests the police officer referred to are not true; the white substance was baking soda. The Tenant reiterated he uses the drugs for personal use because of stress, pain, and not being able to sleep. He worked for about 3 to 4 months to get the money to buy drugs; the letter from Rocko's Auto Body confirms he worked part-time there from July through September 2023. The drugs are for him; he is not selling drugs, and the police got no evidence of trafficking or people coming in/out of his unit that would point to selling drugs. The money the police found was money he was collecting for child support. He has no place to go and needs to stay in his unit/home. He wants/needs another chance; he will not bring any illegal drugs into his unit and will abide by any conditions given him. He is 52-years old, and except for this incident, has no criminal record and has never been in trouble with the law before.
15. On cross-examination the Tenant testified since the police seized his money, he still owes child-support. He confirmed that Doctor Alexander only filled out the ODSP form for him and that he was never prescribed heroine, crack/cocaine, or oxycodone. As for the quantity of drugs seized being equated with trafficking, the police lied; he is not trafficking drugs.
16. The Landlord's Legal Representative submitted the ODSP application is not applicable because it was completed on October 2025, plus the doctor was not present to testify, and there was testimony as to the status of the Tenant's ODSP claim. The community is

affected because of the violent nature of drug trafficking; even one isolated act should not be ignored. The Landlord is seeking a standard order for eviction and the application filing fee. It would basically be impossible for the Landlord to monitor if the Tenant is given a conditional order; the only remedy is eviction.

17. The Tenant's Legal Representative submitted the Landlord did not prove their case on a balance of probabilities. There was no concrete evidence of the Tenant selling drugs; all testimony was hearsay, no one who gave testimony for the Landlord saw the Tenant selling drugs. Plus, the search warrant was unreasonable and against section 2 of the Charter; if the search warrant is illegal, the case must be dismissed. For these reasons, the Landlord's application should be dismissed. The Tenant only turned to street drugs because of his medical conditions, a way to address the pain and sleeplessness. There was no evidence provided as to 'risks' for the community. Double hearsay is not sufficient to evict the Tenant based on such a serious allegation. If the application is not dismissed, this long-term Tenant should be granted a conditional order. Such a position is supported by the case law, including *Metropolitan Housing Authority v. Pennant* (1991 CanLII 8343 (ON SC)), the court sites there being no compelling evidence and granted a conditional order.

#### Analysis

18. Section 61 of the *Residential Tenancies Act, 2006* (the 'Act') says:

(1) 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.

(2) A notice of termination under this section shall set out the grounds for termination and shall provide a termination date not earlier than,

(a) the 10th day after the notice is given, in the case of a notice grounded on an illegal act, trade, business or occupation involving,

(i) the production of an illegal drug,

(ii) the trafficking in an illegal drug, or

(iii) the possession of an illegal drug for the purposes of trafficking

(b) the 20<sup>th</sup> day after the notice is given, in all other cases.

19. A landlord who gives a tenant a notice of termination pursuant to section 61(1) of the Act must establish on a balance of probabilities that either the tenant or an occupant committed the illegal act or the tenant or an occupant permitted a person to commit the illegal act.

20. Based on the testimony and evidence before me I am satisfied that the Tenant has committed illegal acts, and these acts took place in the residential complex; the illegal acts I am referring to is the possession of a Schedule 1 Controlled Substance, specifically heroin, cocaine and crack, and these drugs were found with the Tenant in his unit. However, the Landlord is not evicting the Tenant for possession; the Landlord is pursuing eviction based on possession of an illegal drug for the purpose of trafficking. I am not convinced on a balance of probabilities that the drugs the Tenant possessed were for trafficking purposes.
21. Although the Tenant has been charged with criminal offences related to trafficking, including possession for the purpose of trafficking and possession of proceeds obtained by crime under \$5,000,00, these charges are still before the court. Little to no evidence was presented that pointed to possession for the purpose of trafficking as opposed to straight possession. Officer Bailey testified to there being 'other' evidence of trafficking, but it was in the criminal court case, not available for this hearing. The officer could only speak in general as to how surveillance would generally be conducted and the number of officers that would generally be involved. The only evidence referenced by the officer was the GOR which set out the search and resulting charges that are pending before the court. The officer who wrote the GOR no longer worked for the TPS and thus was not available for the hearing.
22. Section 75 of the Act says the "Board may issue an order terminating a tenancy and evicting a tenant in an application under section 69 based on a notice of termination under section 61 whether or not the tenant or other person has been convicted of an offence relating to an illegal act, trade, business or occupation". Here charges have been laid but are still pending trial. Although the office testified it was TPS's position that the quantity seized was for the purpose of trafficking, there was no other concrete evidence that made trafficking more probable than mere possession. For example, there was no video evidence of high foot-traffic to and from the Tenant's unit. Also, the Tenant has no criminal record except for those related to the incident in question. The Tenant has lived in the building for approximately 8 years without incident, and this incident occurred approximately 2 years ago, and there have not been any other such problems. Drug trafficking is an extremely serious charge, and logically affects the community as a whole because of the violent nature attributes to such Acts.
23. However, there is insufficient evidence before me that the Tenant had the drugs for the purpose of trafficking. I do not accept the Tenant's testimony that TPS lied about the kind of drugs; the Tenant admitted to buying street drugs because of his chronic pain. According to the GOR, the drugs the Tenant had in his possession at the time the police search warrant was executed ranged from .21 grams to 11.07 grams, which translates to 0.0741 ounces to 0.39 ounces. There was no specific testimony as to how these amounts amounted to trafficking charges, thus, as the Tenant reiterated throughout the hearing, they could be for personal use.
24. Also, despite the report for ODSP being written in October 2025, almost 2-years after the incident, I accept the Tenant's testimony as to the chronic pain he has and still is living with. Although an isolated illegal event can warrant eviction, in this case the illegal

event/act has not been proven on a balance of probabilities; I find it equally possible based on the evidence before me that the Tenant had the drugs for personal use.

25. This order is not condoning drug use or drug trafficking; the Landlord indicated reason 1, trafficking, on the N6 Notice of Eviction and this is what has not been proven. As the Landlord has not met the burden of proof for the reason indicated on the N6, I have no option but to dismiss the Landlord's application.

26. Therefore, I find the Landlord did not prove that the Tenant committed an illegal act, trade, business or occupation involving the production of, or trafficking in an illegal drug, or possession of an illegal drug for the purposes of trafficking. The Landlord's application shall be dismissed.

**It is ordered that:**

1. The Landlord's application is dismissed.

**January 7, 2026**

**Date Issued**

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**Diane Wade**

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.