



Order under Section 69 Residential Tenancies Act, 2006

Citation: S&R Group v Harvey, 2026 ONLTB 2772

Date: 2026-01-09

File Number: LTB-L-076120-25

In the matter of: 80 TRILLIUM VILLAGE
CHATHAM ON N7L4V3

Between: S&R Group Landlord

And

Karen Harvey Tenant

S&R Group (the 'Landlord') applied for an order to terminate the tenancy and evict Karen Harvey (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.

This application was heard by videoconference on November 24, 2025.

Only the Landlord's agent Dorothy Arnold attended the hearing.

As of 1:31 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. As of the date of the hearing, the Tenant was in custody. The Tenant's adult son and daughter have been in contact with the Landlord and were aware of the hearing. 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 in the application. Therefore, the tenancy between the Landlord and the Tenant is terminated effective January 14, 2026.

2. The Tenant was in possession of the rental unit on the date the application was filed.

N6 Notice of Termination – Illegal Drugs

3. On September 11, 2025, the Landlord gave the Tenant an N6 notice of termination. The notice of termination contains the following allegations: on September 9, 2025, police executed a search warrant at the rental unit and the Tenant and three others were arrested with a large quantity of illegal drugs. The Tenant was charged with possession for the purpose of trafficking among other charges.
4. Dorothy Arnold (DA) has been the property manager at the residential complex for 26 years. The Tenant and a 10-year-old child resided in the rental unit. She testified that on September 9, 2025, approximately 25 police officers attended the rental unit and performed a door kick. The Landlord entered several security camera videos of the incident into evidence which show the police presence and arrest.
5. DA testified that the Tenant and three others were arrested and a loaded firearm, currency, and approximately \$160,000.00 in illegal drugs including fentanyl, cocaine, methamphetamine, and heroin were seized in the rental unit. The Tenant did not return to the rental unit and was still in custody. The Tenant's adult daughter has custody of the child and returned to the rental unit for the child's items and to dispose of food in the refrigerator.
6. The residential complex consists of townhomes and six other buildings. There are approximately 1,000 people living in the residential complex including families with children. The Landlord first contacted police approximately two years ago to alert them to high traffic to the rental unit and disruptive conduct. The Landlord provided weekly security camera videos to police.
7. The Landlord submitted that until they were aware that the Tenant had been denied bail, they were very anxious that the Tenant would return to the rental unit. It is obviously very concerning that a loaded weapon and large quantities of drugs were present in the rental unit.
8. Although criminal charges are not required for a finding that an illegal act was committed, in this case the Tenant was charged with possession for the purpose of trafficking and not released on bail. Based on the uncontested evidence of the Landlord, I find that the Tenant has committed an illegal act, trade, business or occupation involving the trafficking in an illegal drug or possession of an illegal drug for the purposes of trafficking in the rental unit.

Daily compensation, NSF charges, rent deposit

9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$1,218.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$27.36 is owing to the Tenant for the period from January 1, 2025 to November 24, 2025.

Relief from eviction

11. 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 Tenant did not attend the hearing or send an agent to the hearing and so she did not explain her conduct or circumstances. The Landlord did not disclose any circumstances that would warrant delay or denial of the eviction, and the evidence is that the rental unit is vacant.

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 14, 2026.
2. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
3. The total amount the Tenant must pay the Landlord is \$186.00.
4. If the Tenant does not pay the Landlord the full amount owing on or before January 14, 2026, the Tenant will start to owe interest. This will be simple interest calculated from January 15, 2026 at 4.00% annually on the balance outstanding.
5. If the unit is not vacated on or before January 14, 2026, then starting January 15, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 15, 2026. The Sherriff is requested to expedite the enforcement of this order.

January 9, 2026

Date Issued

Margo den Haan

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.