



Order under Section 69 Residential Tenancies Act, 2006

Citation: 14756258 CANADA INC. v TEMPLE, 2026 ONLTB 5007

Date: 2026-01-21

File Number: LTB-L-083506-25

In the matter of: 1, 1625 DROUILLARD RD
WINDSOR ON N8Y2S4

Between: 14756258 CANADA INC. Landlord

And

CHRISTOPHER TEMPLE Tenants
BAILEY MCLELLAN

14756258 CANADA INC. (the 'Landlord') applied for an order to terminate the tenancy and evict CHRISTOPHER TEMPLE and BAILEY MCLELLAN (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 January 12, 2026.

Only the Landlord Kirill Samokhin attended the hearing.

As of 10:33 am, 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. The Tenants did not join during the scheduled block time and the technical team did not advise of any related issues.

Determinations:

1. The application is amended to remove the minor as named Tenants party.

2. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the application is dismissed.
3. The Tenants were in possession of the rental unit on the date the application was filed.
4. The rental unit is a two-bedroom apartment in a multi unit complex.

N6 notice - illegal act involving drugs

5. On September 18, 2025, the Landlord gave the Tenants an N6 notice of termination alleging that the Tenants committed an illegal act related to the production of an illegal drug, the trafficking in an illegal drug or the possession of an illegal drug for the purpose of trafficking.
6. In order for the Landlord's application to be successful, the Landlord must establish that events described in the N6 notice expressly relate to the acts of drug trafficking or production more fully described in paragraph 5 of these determinations. 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 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.
7. Only a portion of the issues described in the N6 Notice can possibly be construed as relating to drugs and those fall well short of establishing that the Tenants were involved in drug trafficking or production. The complaints related to unpaid rent, broken window and door are not subject to the required text as selected by the Landlord.
8. It was the position of the Landlord that when he attended the rental unit on September 17, 2025, he was met by two strangers "hanging around the front door" inquiring if he had drugs to sell. When he said he did not, the strangers said they would wait for Chris. I took this to mean the Tenant.
9. The Landlord said that he knocked on the Tenants' door and when the Tenant opened it, he saw packets of substances and accessories. He has no further knowledge of the contents of the packages and did not contact the police.
10. Additionally, the Landlord said that, at a point in time, the Tenants' posted a note on their door that said, "don't bother me, I have nothing to sell."
11. The Landlord believes that there are ongoing drug related activities taking place at the rental unit.

Analysis

12. Based on the evidence before the Board, I am not satisfied on a balance of probabilities that the Tenants, occupant or guest has committed an illegal act that includes possession

for the purposes of trafficking an illegal drug. I do not find that the Landlord has met the requirements of section 61(2)(a) of the Act.

13. I am asked to infer that the presence of strangers and the presence of packets and accessories constitutes evidence of production and trafficking. I cannot draw such an inference, as the limited evidence before me can lead to the equally probable inference that any such items were for personal use. I also considered the Tenants' note that they had nothing to sell. I take this to mean drugs.
14. The issue of the strangers at the residential complex, while perhaps the strongest point within the facts enumerated in the N6 notice, ultimately there was no presentation of drugs for sale from the Tenants as an unequivocal offer. Therefore, I cannot accept that this incident as proving on a balance of probabilities that trafficking was taking place.
15. The Landlord has therefore not proven that the requirements of s.61(2)(b) of the Act have been met and the N6 application must fail.
16. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The Landlord's application is dismissed.

January 21, 2026
Date Issued

Dana Wren
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.