



Order under Section 69 Residential Tenancies Act, 2006

Citation: Armstrong v Belmore, 2026 ONLTB 6677

Date: 2026-01-23

File Number: LTB-L-074640-25

In the matter of: B, 331 Bethune St
THUNDER BAY ON P7C2G5

Between: Deborah Armstrong Landlord

And

Brenda Belmore Tenant

Deborah Armstrong (the 'Landlord') applied for an order to terminate the tenancy and evict Brenda Belmore (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 December 2, 2025.

The Landlord, represented by their son Michael McNabb, the Tenant's legal representative Caycie Soke, and the Tenant attended the hearing.

Determinations:

1. The Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On September 6, 2025, the Landlord gave the Tenant an N6 notice of termination deemed served on September 6, 2025. The notice of termination contains the following allegations:
 - August 28, 2025, at 10:02 PM the Tenant was witnessed selling illegal drugs, believed to be crack cocaine
 - August 29, 2025, at 2:45 AM the Tenant was witnessed selling illegal drugs, believed to be crack cocaine

- August 19, 2025, at 4:49 PM the Tenant was witnessed selling illegal drugs through apartment window, believed to be crack cocaine
 - August 19, 2025, at 7:45 PM the Tenant was witnessed selling illegal drugs through apartment window, believed to be crack cocaine
 - August 16, 2025, at 6:45 PM the Tenant was witnessed selling illegal drugs through apartment window on multiple occasions, believed to be crack cocaine
 - August 16, 2025, at 8:30 PM the Tenant was witnessed selling illegal drugs through apartment window on multiple occasions, believed to be crack cocaine
4. The Landlord did not prove that the Tenant has committed an illegal act, trade, business or occupation involving the production of an illegal drug or trafficking in an illegal drug or possession of an illegal drug for the purposes of trafficking in the rental unit or residential complex.
 5. The Landlord's evidence does not prove on a balance of probabilities that the Tenant sells illegal drugs, namely crack cocaine. Albeit there may be a number of people in the laneway adjacent to the residential complex, it has not been proven that the Tenant is selling illegal drugs to people.
 6. The property is located in a beside commercial businesses and seem to share a parking lot and laneway.
 7. The Landlord's Exhibit 1, DOC 6872901, a letter tendered by the owner of a neighbouring property indicated that "since the tenant's arrival, we have observed a marked increase in problematic activity occurring in and around our property and the shared areas nearby. This includes frequent instances of individuals congregating in the parking lot, visible substance use, sexual activity, and the accumulation of litter and debris. These issues were *not present at this level* (emphasis added) prior to the current tenant's occupancy." The evidence does not support a finding that the Tenant is selling illegal drugs at her unit. Moreover, the letter notes that this area has had issues with people congregating and engaging in activities deemed problematic in the past. Albeit the author indicates that the problematic activity has increased, it does not support the Landlord's allegation that the Tenant sells illegal drugs from her rental unit.
 8. The Landlord's Exhibit 2, DOC 6872914, a letter tendered by an employee of a nearby laundromat does not indicate that the Tenant is engaged in selling illegal drugs from her rental unit. Albeit it notes other difficulties with the Tenant, such as racist, disrespectful behaviour and property damage at the laundromat, it does not specifically support the Landlord's assertion that the Tenant is selling illegal drugs. The author indicates having security camera that show *assumed "Clients" of the tenant* (emphasis added) loitering, damaging property, littering, partaking in substance abuse, noise pollution, and engaged in other activities. However, there is no indication that the Tenant is selling illegal drugs. This letter does not support the Landlord's application that the Tenant is selling illegal drugs from her rental unit.
 9. The Tenant agrees that people congregate in the area, not necessarily at her window, but within the general vicinity of the commercial area. She indicates people knocking on her window, asking to come in, but testified that many of the people she does not know. At times her daughter attends to deliver food, and may open the window to receive the food.

10. On a balance of probabilities I am not satisfied that the Landlord has shown that the Tenant is engaged in selling illegal drugs at the rental unit.

It is ordered that:

The Landlord's application is dismissed.

January 23, 2026

Date Issued

Jeanie Theoharis

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.