



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-081584-25

In the matter of: 301, 24 BOURKE ST
SMITHS FALLS ON K7A3L9

Between: Lanark County Housing Corporation Landlord

And

Erin Pepper Tenant

Lanark County Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Erin Pepper (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

This application was heard by videoconference on December 10, 2025.

Only the Landlord's agent Renee Henderson attended the hearing.

As of 10:07 am, 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. On August 27, 2025, the Landlord mailed the Tenant a first, voidable N5 notice of termination deemed served on September 1, 2025 alleging the Tenant is throwing animal waste over her balcony and that their guests are noisy.
2. On September 26, 2025, the Landlord gave the Tenant a second N5 notice of termination alleging that the Tenant is throwing animal waste over the balcony.
3. I find the Landlord's application for termination must be dismissed because there was insufficient cogent evidence presented in support of it. The Landlord's agent who appeared had no direct testimony to give for she had not observed any of the alleged misconduct. Instead, the Landlord relied on hearsay evidence from a member of staff who is no longer employed by the Landlord. That evidence consisted of photographs showing

a pavement with animal waste and a warning letter sent to the Tenant that repeats the allegations contained in the notice of termination. The Landlord's agent also sought to read into the record the notes prepared by the member of staff who is no longer employed by the Landlord which in turn contains the reports and complaints that person had received from unnamed parties. I decline to admit this triple hearsay evidence for the truth of its contents because I find its neither reliable nor necessary. In case of error, I admit the evidence but give it virtually no weight at all. I find it is incapable of proving the allegations on a balance of probabilities because it lacks details and the declarants are not available to supply the missing details. Photographs of feces on a sidewalk is not sufficient proof that the Tenant breached the Act in the residential complex within the times and dates alleged.

It is ordered that:

1. The application is dismissed.

January 27, 2026
Date Issued

Nersi Makki
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.