



Order under Section 69 Residential Tenancies Act, 2006

Citation: Murray v Buckland, 2026 ONLTB 7524

Date: 2026-01-27

File Number: LTB-L-100153-25

In the matter of: 114 GARDEN DR
OAKVILLE ON L6K2W4

Between: Antonetta Murray Landlord

And

Kelly Anne Buckland Tenants
Brook E Dubois

Antonetta Murray (the 'Landlord') applied for an order to terminate the tenancy and evict Kelly Anne Buckland and Brook E Dubois (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.

This application was heard by videoconference on January 20, 2026.

The Landlord, her support Roger Murray and the Landlord's witness Claire Lowe attended the hearing.

As of 2:15 pm, 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. The Landlord also provided copy of the hearing notice to the Tenant on January 8, 2026. The Tenants did not join during the schedule block and the technical team did not advise of any related issues. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy or the claim for compensation in the application. Therefore, the application is dismissed.

2. The Tenants were in possession of the rental unit on the date the application was filed.
3. The rental unit is a detached home and the Tenants occupy the entire home.
4. The tenancy began in January 2024.

Preliminary Issue

5. At the hearing, the Landlord's support understood his role. However, multiple times, he attempted to provide answers and prompt the Landlord. He was put on notice but continued to interrupt the proceedings. As such, he was removed from the room.

N6 Notice of Termination

6. The Landlord has brought an L2 application, relying upon a notice of termination for illegal acts filed on November 28, 2025.
7. The Landlord's L2/N6 Application is made pursuant to an N6 notice of termination given under subsection 61(2)(a) of the *Residential Tenancies Act, 2006* (the "Act") alleging that 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.
8. As explained at the hearing, an N6 notice made under subsection 61(2)(a) relating to drug trafficking or production is intended to address serious or urgent issues affecting the residential complex as made clear by the fact it affords the Landlord certain special rights over and above "normal" N6 notices relating to other illegal acts. The notice of termination made under subsection 61(2)(a) may require that the Tenants vacate as soon as ten days following the service of the notice (the "normal" notice period is twenty days), and under section 84 of the Act, the Landlord is entitled to expedited eviction enforcement by the Sheriff, if the Landlord and Tenant Board issues an eviction order based on such a notice.
9. In order for the Landlord's application to be successful, the Landlord must establish that events described in the N6 expressly relate to the acts of drug trafficking or production more fully described above. 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.
10. The N6 notice served on the Tenants describes a series of events which took place on November 27, 2025 related to an executed search warrant by police. The notice claims drugs related to trafficking, arrests, rent arrears and various damage claims. The latter claims are immaterial to an N6 notice made under s.61(2)(a).
11. Only a portion of the events described in the N6 can possibly be construed as relating to drugs, and they fall well short of establishing that the Tenants were involved in drug

trafficking or production. While there may have been excessive traffic to the rental unit, fights and damages, there was no proof to support the Landlord's drug-related claims.

12. The Landlord's witness, Constable Claire Lowe was present during the investigation at the rental unit on November 27, 2025. It was her evidence that she saw needles, crack pipes and tinfoil. The Tenants were arrested along with around eight other individuals. She has no knowledge of the types or quantity of drugs found at the rental unit and no details of the charges. While another officer may have seized drugs, she did not. She did not testify to any proceeds of crime, paraphernalia associated with drug trafficking nor weapons.
13. I am asked to infer that the volume of traffic to and from the rental unit, the presence of a pipe, unidentified police collection bags, needles and fighting constitutes evidence of trafficking. Only a portion of the events described in the N6 can possibly be construed as relating to drugs, and they fall well short of establishing that the Tenant was involved in drug trafficking or production.
14. On the evidence before the Board and on a balance of probabilities, I find the Landlord has not proven that the requirements of subsection 61(2)(b) have been met, and the N6 application must fail.
15. 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 27, 2026

Date Issued

Dana Wren

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.