



**Order under Section 94.7
Residential Tenancies Act, 2006**

File Number: LTB-C-008026-25

In the matter of: 17, 3340 PONYTRAIL DR
MISSISSAUGA ON L4X1V5

Between: Russet Homes Co-operative Corporation Co-op

And

Kayla Hill Co-op Member

Russet Homes Co-operative Corporation (the 'Co-op') applied for an order to end the occupancy of the member unit and evict Kayla Hill (the 'Co-op Member') because:

- the Co-op Member or another occupant of the member unit committed an illegal act or carried out, or permitted someone to carry out an illegal trade, business or occupation in the member 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 Co-op Member or another occupant of the member unit committed an illegal act or carried out, or permitted someone to carry out an illegal trade, business or occupation in the member unit or the residential complex.
- the Co-op Member, another occupant of the member unit or a person the Co-op Member permitted in the residential complex seriously impaired the safety of any person and the act or omission occurred in the residential complex.

The Co-op also claimed compensation for each day the Co-op Member remained in the unit after the termination date.

This application was heard by videoconference on August 13, 2025 and on January 21, 2026.

Juan Eschavarria, the legal agent for the Co-op, attended the hearing on both dates. The Co-op Member also attended the hearing on the first date, but by 10:11 a.m. was neither present in her personal capacity nor by agent on the second date, 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 Co-op's evidence on the second date.

It is determined that:

1. The N6C termination that partially founds the basis of the application states:

On October 24, 2024, the Halton Regional Police Service executed a search warrant at the member's unit, and seized nearly \$40,000 worth of illicit drugs and about \$70,000 worth of stolen property, as part of a drug trafficking investigation. Both the member and an individual residing in the unit at the time were charged with criminal offences.

2. The N6C provides no detail of the criminal charges that were laid, such as a description of these charges or reference to the implicated sections of the relevant statute(s) where those charges are found. As such, I am not satisfied that the N6C gives adequate notice to the Co-op Member of the case the Co-op must meet as set out in the N6C.
3. Sara Martins, the president of the Co-op, testified that other Co-op members, many of whom are aged, shared with her they were alarmed by the large police presence at the complex during the execution of the above search warrant. I discounted this testimony as it was not directed to the impact of the Co-op Member's alleged behavior set out in the N7C. Sara Martins also testified that there were "prior incidents" involving the Co-op Member or an occupant of the member unit and that "multiple files" had been started in the member unit. As these issues are not the subject matter of the application, I was unable to consider them in support of either the N7C or the N6C.

It is ordered that:

The application is denied.

January 28, 2026

Date Issued

Sean Henry

Vice Chair, 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.