



Order under Section 69 Residential Tenancies Act, 2006

Citation: Malott v Mathieu, 2026 ONLTB 10696

Date: 2026-02-05

File Number: LTB-L-090657-25

In the matter of: 2, 101 Wellington Street South
London ON N6B2K5

Between: Jeffery Malott Landlord

And

Raymond J. Mathieu Tenants
Leslie P. Schmidt

Jeffery Malott (the 'Landlord') applied for an order to terminate the tenancy and evict Raymond J. Mathieu and Leslie P. Schmidt (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.

This application was heard by videoconference on January 28, 2026.

The Landlord and the Tenants attended the hearing. The Tenants spoke to Tenant Duty Counsel prior to the start of this proceeding.

Determinations:

- As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. **Therefore, the Tenants must move out of the rental unit on or before February 16, 2026.**
- The Tenants were in possession of the rental unit on the date the application was filed.
- On September 7, 2025, the Landlord gave the Tenants an N6 notice of termination. The notice of termination contains the following allegations:

On August 29, 2025, Members of the London Police Service Guns and Gangs Section with the assistance of the LPS Emergency Response Unit executed a search warrant at a residence in the 100 Block Wellington Street and as a result a number of firearms,

ammunition, prohibited nun chucks and switch blade were seized and the Tenants were charged with:

Four counts of possession of prohibited or restricted weapons or prohibited devices knowing no authority unauthorized, two counts of possession of a firearm other than a restricted or prohibited firearm knowingly not holding a licence; possession of a restricted or prohibited firearm knowingly not holding a license and registration certificate; and three counts of careless storage of a firearm, weapon, prohibited device of ammunition. In addition the male Tenant being charged with 4 counts of possession of a firearm or ammunition contrary to a prohibition order.

4. The Landlord's L2 Application is made pursuant to the N6 notice of termination given under subsection 61(1) of the Residential Tenancies Act, 2006 (the "Act"), which states:

A landlord may give a tenant notice of termination of the tenancy if the tenant or another occupant of the rental unit commits an illegal act or carries on an illegal trade, business or occupation or permits a person to do so in the rental unit or the residential complex.

5. In order for the Landlord's application to be successful, the Landlord must establish that the Tenants and or an occupant committed an illegal act, or carries on an illegal trade, business or occupation or permits a person to do so in the rental unit or residential complex. If the Landlord cannot prove, on balance of probabilities, that the events in the notice relate to an illegal act, carries on an illegal trade or business, I cannot issue an order evicting or remedies based upon an application made pursuant to that notice.
6. The Tenants testified that they were arrested and held in custody for some time related to the charges outlined in the Landlord's N6 notice, and thereafter the charges were dropped on January 15, 2026, by the Crown, however the Tenants did not provide evidence to substantiate the same.
7. It is well established before the Board, and as stated in the Board's Interpretation Guideline 9 – Eviction for an Illegal Act or Business, that the fact a tenant or other occupant has been **charged** with an offence is not necessarily proof that an illegal act was committed. However, in this case the Tenants confirmed they were charged with the illegal act specified in the N6 notice, and further, the Tenant Raymond Mathieu, apologized to the Landlord for said illegal acts, as it was determined the Landlord was his nephew, by the Tenants testimony. The Tenants testimony is compelling evidence that the illegal act was committed as alleged by the Landlord.
8. Based on the evidence before me, which included the parties oral testimonies, and evidence submitted, which included the media release of the charges of the Tenants, I am satisfied on the balance of probabilities that the Tenants committed an illegal in the rental unit by possessing and carelessly storing restricted and prohibited weapons and ammunition in the rental unit, which was also a contravention of Mr. Mathieu previous prohibition order.
9. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

10. There is no last month's rent deposit.
11. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
12. The Tenants acknowledged and testified to the illegal act in the rental unit and on the residential complex, and requested 20-30 days prior to an eviction order, and they have received 20 days from the date of the proceeding as ordered below.
13. I have considered all the uncontested evidence presented at the hearing and all of the uncontested oral testimony and although I may not have referred to each piece of evidence or referenced all of the testimony, I have considered it when making my determinations.
14. This order contains all of the reasons within it and no further reasons will be issued.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before February 16, 2026.
2. If the unit is not vacated on or before February 16, 2026, then starting February 17, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after February 17, 2026.
4. The Tenants shall also pay to the Landlord \$201.00 for the cost of filing the application.
5. The total amount the Tenants must pay the Landlord is \$201.00.
6. If the Tenants does not pay the Landlord the full amount owing on or before February 16, 2026, the Tenants will start to owe interest. This will be simple interest calculated from February 17, 2026 at 4.00% annually on the balance outstanding.

February 5, 2026
Date Issued

Panagiotis P. Roupas
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenants expires on August 17, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.