



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-080119-25

In the matter of: 155 BARRIE RD
ORILLIA ON L3V2P6

Between: Serenity Residential Inc. c/o Lakeview Realty Landlord
Property Management

And

MURRAY SMITH Tenant

Serenity Residential Inc. c/o Lakeview Realty Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict MURRAY SMITH (the 'Tenant') because:

- the Tenant did not pay the rent the Tenant owes (L1 Application); and
- 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 (L2 application).

This application was heard by videoconference on January 7, 2026.

The Landlord, Moe Zadeh, the Landlord's Agents, Michael J. Preston and Jennifer Maxwell, and the Tenant attended the hearing.

Preliminary Issues:

1. The Landlord requested to withdraw their L1 application at the commencement of the hearing. I accepted this request and withdrew the L1 application.

Determinations:

2. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the L2 application is dismissed.
3. The Tenant was in possession of the rental unit on the date the application was filed.

N6 Notice of Termination

4. On September 2, 2025, the Landlord gave the Tenant an N6 notice of termination. The notice of termination contains the following allegations: the Tenant is “Living in a commercial-only unit after the City of Orillia has declared it “not fit for human habitation” is an illegal act under local by-laws and property standard laws.”
5. The Landlord checked off Reason 1 on the N6 Notice, identifying the illegal act as having something to do with illegal drugs.
6. This is clearly not correct – the alleged breach of a property standard by-law, as outlined on the N6 notice, has nothing to do with illegal drugs.
7. I further note that the Landlord submitted into evidence an October 22, 2024 letter from the City of Orillia, indicating that the alleged by-law breach was in relation to Section 5.30 of the City’s Comprehensive Zoning By-Law, which states:
 - The following uses are prohibited in any Zone, unless otherwise permitted by this By-law:
 - (c) The use of any Accessory Building or Structure, Boathouse or Shipping Container for human habitation.
8. The wording of the by-law quoted by the City of Orillia in the October 22, 2024 letter is significantly different that the wording of the alleged illegal act detailed in the N6 notice. The City neither mentions the rental unit being “commercial only”, nor does it appear to opine on whether the unit is “fit for human habitation”.
9. On the basis of the incorrect Reason identified on the N6 notice, and supported by the inaccurate recitation of the illegal act that the Tenant is alleged to have committed, I am dismissing this matter on the basis of the N6 notice being invalid.

It is ordered that:

1. The Landlord’s application is dismissed.

February 6, 2026
Date Issued

Curtis Smith
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.