



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-081598-25

In the matter of: BSMT, 280 GEORGE ST
SARNIA ON N7T4P4

Between: Erin Hamilton Landlord

And

Jocelyn Coughlin Tenant

Erin Hamilton (the 'Landlord') applied for an order to terminate the tenancy and evict Jocelyn Coughlin (the 'Tenant') because the number of persons living in the unit on a continuing basis is more than permitted by health, safety or housing standards;

This application was heard by videoconference on December 11, 2025.

The Landlord Erin Hamilton, Tenant's Legal Representative Raven McCall and the Tenant Jocelyn Coughlin attended the hearing.

Determinations:

1. The Landlord applied to terminate the tenancy and evict the Tenant based on the allegation that the number of persons living in the rental unit on a continuing basis exceeds the number permitted by health, safety, or housing standards.
2. The Landlord issued an N5 notice claiming "overcrowding," stating that a one-bedroom unit may only have one occupant unless the occupants are "in a relationship." The Landlord confirmed at the hearing that the additional occupant is the Tenant's child.
3. I asked the Landlord what specific health, safety, or housing standard applies to limit the number of permitted occupants in this jurisdiction. The Landlord testified that they "thought" only one person could live in a one-bedroom unit if the occupants were not in a relationship, but provided no regulation, by-law, code, or standard supporting that belief. The Landlord also acknowledged that they had no documentation and no official source establishing any maximum occupancy for a one-bedroom unit.
4. The Landlord bears the evidentiary burden to establish:
 - that an applicable health, safety, or housing standard exists, and
 - that the Tenant's household size exceeds that standard.

5. The Landlord provided no evidence of any applicable standard and no authority supporting the claim that the Tenant's child constitutes unlawful "overcrowding."
6. Because the Landlord did not establish that any occupancy standard was violated, the N5 notice is invalid. Without a valid notice, the Board has no jurisdiction to terminate the tenancy on this ground.
7. As a result, the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

February 5, 2026
Date Issued

Kyle Anderson
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.