



Order under Section 69 Residential Tenancies Act, 2006

Citation: Viau v Monaghan, 2026 ONLTB 13166

Date: 2026-02-11

File Number: LTB-L-083603-25

In the matter of: 8 NANTICOKE VALLEY RD
Nanticoke ON N0A1L0

Between: Penny Viau Landlords
Sherry Ann Moon

And

Danny Monaghan Tenant

Penny Viau and Sherry Ann Moon (the 'Landlords') applied for an order to terminate the tenancy and evict Danny Monaghan (the 'Tenant') because:

- 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.

This application was heard by videoconference on February 5, 2026. The Landlords and the Tenant attended the hearing.

As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. As explained below, the Landlords have proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy shall continue subject to conditions.,
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On October 4, 2025, the Landlord gave the Tenant an N6 notice of termination alleging that the Tenant was observed on August 30, 2025, and September 25, 2025, to have marihuana plants in excess of the lawful personal limit contrary to s.12(4)(b) of the *Cannabis Act*. Landlord Penny Viau states that she observed between 14 and 17 plants on these dates.

4. The Landlords submitted photos of the plants. The photos were somewhat difficult to conclusively determine the volume of plants; however, I am satisfied that the number of plants exceeded four, as at least one photo had six plants visible.
5. The Tenant does not deny that he had the marihuana plants. He says that he did not realize that it was only four plants. Regardless, he says he is in his "60's" has disabilities, is undergoing cancer treatments, and the plants are for personal use only. He has lived in the rental unit for ten years. However, since he was given the notice, the Tenant removed all of the plants. Landlord Penny Viau confirmed this.
6. Landlord Penny Viau testified that she did call police. The Tenant states that the police did not lay any charges against him.
7. 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 not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act. The Landlords seek a standard order, that is, an order which can be enforced 11 days after its issuance stating that this is a serious offence and that children live and play in the neighbourhood.
8. Although I agree that it is a serious situation, I am satisfied that the Tenant can abide by a conditional order. During the hearing he was contrite and admitted he had used poor judgment. Further, the Tenant removed all of the plants immediately after receiving the notice. In my view, this demonstrates that the Tenant can comply with an order of the Board. Given the prejudice to the Tenant in a long-term tenancy, is older, and is on a fixed income with some health challenges, I find the prejudice to the Tenant outweighs the prejudice to the Landlords.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. For the duration of the tenancy, the Tenant shall not grow, cultivate, or harvest more than the maximum number of marihuana plants as found in the *Cannabis Act*.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, the Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. The total amount the Tenant must pay the Landlord is \$186.00.
6. If the Tenant does not pay the Landlord the full amount owing on or before March 31, 2026, the Tenant will start to owe interest. This will be simple interest calculated from April 1, 2026 at 4.00% annually on the balance outstanding.

February 11, 2026
Date Issued

Jane Dean
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.