



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: HOMESTEAD LAND HOLDINGS LIMITED v Ferguson, 2026 ONLTB 14274

Date: 2026-02-11

File Number: LTB-L-012072-24-RV2

In the matter of: 812, 16 LEROY GRANT DR
KINGSTON ON K7K6W5

Between: HOMESTEAD LAND HOLDINGS LIMITED

Landlord

And

Lisa Ferguson
Andrew Swainson

Tenants

Review Order

HOMESTEAD LAND HOLDINGS LIMITED (the 'Landlord') applied for an order to terminate the tenancy and evict Lisa Ferguson, Kingston & Frontenac housing and Andrew Swainson (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 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.

This application was resolved by order LTB-L-012072-24 issued on July 9, 2024. The Tenants requested a review of the order. The Tenant's review request was granted by interim order LTB-L-012072-24-RV-IN2 issued on July 28, 2025. The Landlord's application was heard de novo, resulting in order LTB-L-012072-24-RV, issued on January 12, 2026.

On February 9, 2026, the Landlord requested a review of order LTB-L-012072-24-RV.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Landlord submits that the Member seriously erred by unreasonably determining that he was not satisfied that the Landlord had proven that the Tenants or an occupant of the rental unit had possessed an illegal drug for the purpose of trafficking.

2. The Member made his determination based on the absence of any evidence as to which unit the drugs were found in (the rental unit or the next door unit), which residents were in possession of the illegal drugs, the type of drugs seized and/or their quantity.
3. The Landlord submits that the Member seriously erred by not relying on: (a) the fact that a search warrant had been issued authorizing the search of the unit and next door unit, (b) the fact that the Tenants were arrested for drug trafficking, and (c) the Information document that sets out that the Tenants were charged with drug trafficking.
4. The factors and evidence referred to in the paragraph above essentially demonstrate three facts related to the criminal investigation: two units (including the rental unit) were searched, the Tenants were arrested, and the Tenants were charged. The Landlord submits that these facts were sufficient for the Member to conclude, on a balance of probabilities, that the Tenants engaged in the conduct for which they were arrested and with which they were charged. It was reasonable for the Member not to so conclude. The Landlord did not present evidence that established that the Tenants possessed illegal drugs for the purpose of trafficking. The Landlord presented evidence that the police thought that the Tenants possessed illegal drugs for the purpose of trafficking. The Landlord presented no evidence that supported the belief held by the police.
5. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-L-012072-24 issued on January 12, 2026 is denied. The order is confirmed and remains unchanged.

February 11, 2026
Date Issued

Renée Lang
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.